

## AREA PLANS SUB-COMMITTEE 'WEST'

28 January 2015

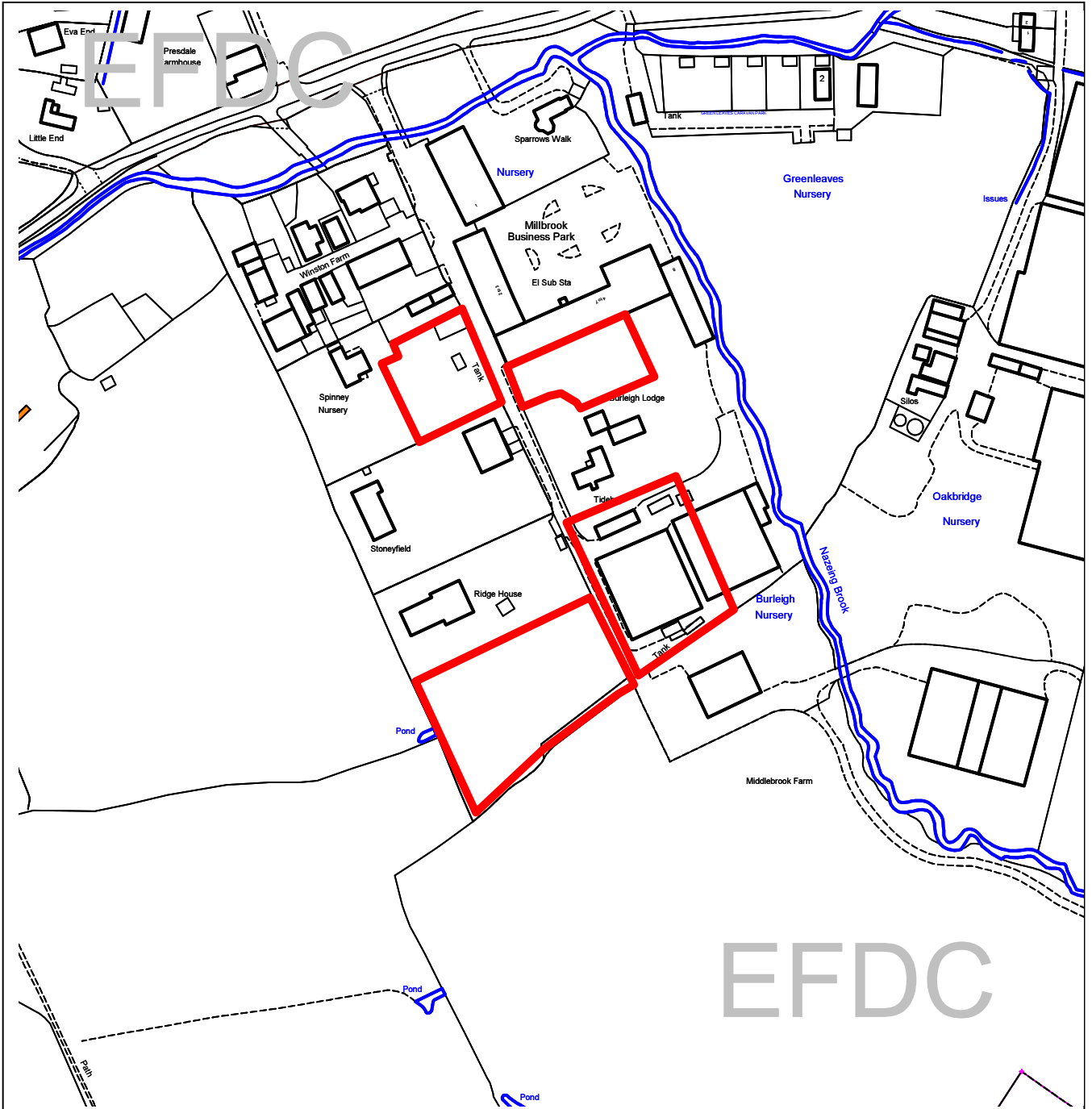
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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/0204/14
Site Name:	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery, Nazeing, EN9 2RJ)
Scale of Plot:	1/2500

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0204/14
<b>SITE ADDRESS:</b>	Land off Hoe Lane (nr Burleigh Nursery/Ridge House Nursery/Spinney Nursery Nazeing Essex EN9 2RJ
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	Messrs C Shorter, M Frederick & J Marsetic
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of nursery glasshouses and commercial sheds and construction of 10 no. detached five bed houses with associated amenity space, off-street parking, vehicle crossovers and landscaping
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=559337](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559337)

**REASON FOR REFUSAL**

- 1 The proposal constitutes inappropriate development in the Metropolitan Green Belt for which planning permission should not be granted, save in very special circumstances. In addition to the harm by reason of its inappropriateness, the proposed development would also be detrimental to the open character of the Green Belt in this location and would cause harm to the visual amenity of the area. The applicant has failed to demonstrate that other considerations clearly outweigh that identified harm to the Green Belt and, as such, the proposed development is therefore contrary to Government guidance contained within the National Planning Policy Framework, and saved policies GB2A and GB7A of the adopted Local Plan and Alterations.

*This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))*

**Description of Site:**

The application site is located off Hoe Lane on the outskirts of Nazeing. The enclave of properties includes a mix of residential and commercial uses. The road into the site is private with properties off either side. Towards the front is the Millbrook Business Park with its associated parking area. Winston Kennels is on the opposite side of the road.

The sites for development are located further into the enclave at Spinney Nursery, Ridge House and Burleigh Lodge/Nursery. In the centre of the site is another residential property with associated nursery, Stoneyfield Nursery, which does not form part of the sites for development. The entire site is within the Metropolitan Green Belt and although the local Conservation Area abuts the enclave none of the sites proposed for development are within it. A number of trees are within the immediate area and the Nazeing Brook passes along the front and eastern side of this enclave of properties.

### Spinney Nursery

Spinney Nursery is located towards the centre of the enclave on the eastern side and is just to the south of Winston Kennels. The red/blue line site plan submitted includes a fairly generous residential curtilage with a large detached house. Adjacent to the private road are some commercial buildings which have a lawful use for motor repairs and vehicle storage in connection with a vehicle recovery business. The red line site includes part of the garden for Spinney Nursery and an area that is occupied by a number of shipping containers. This part of the site also benefits from a Lawful Development Certificate for commercial use.

### Burleigh Lodge/Nursery

Burleigh Lodge is to the south of the Millbrook Business Park on the eastern side of the private road. The house is served by generous curtilage. To the south of the residential curtilage is an area currently occupied by glasshouse structures and a number of ancillary buildings. The glasshouses are in a dilapidated state and some have either collapsed or had sections of glass removed. The existing glasshouses are in a poor state and extend up to the road edge, and are clearly no longer suitable for a horticultural use without extensive renovation or replacement.

A vehicle repairs use is housed in units to the rear of the site and a car restoration business housed in a brick building to the front of the site. The vehicle repairs and other specific buildings within the site benefit from lawful use confirmed by a Certificate of Lawfulness issued in 2009 (EPF/1528/09). The nursery site benefits from a planning permission to demolish the buildings on site and replace them with one large warehouse structure and associated parking facilities (EPF/0087/14).

### Ridge Lodge

Ridge Lodge is a residential property with extensive garden on the western side of the road on the opposite side from Burleigh Nursery. Behind Ridge House and Burleigh Nursery are further commercial premises at Middlebrook Farm.

### **Description of Proposal:**

Consent is sought to demolish commercial buildings and replace them with ten detached residential properties. Eight house types are proposed (A-H). B, D and E are variations of a similar design and C, F, G and H are also variations of a similar style. One of house type A would be constructed in the garden area of Burleigh Lodge, to the north of the existing dwelling. One of both house type G and H would be constructed in the garden area/land occupied by shipping containers at Spinney Nursery, to the west of the house. The plans indicate that the commercial units at Spinney Nursery would be demolished.

1 example of house types B, C and D would be constructed in the commercial area of Burleigh Nursery. The plans indicate that all commercial uses would be demolished. 1 of type C and E and two house type F would be constructed in the garden area of Ridge House to the rear of the existing house. All houses would have garages for the parking of vehicles and individual garden areas.

### House Type A

Large detached dwelling with a cross wing style and a footprint measuring 19.0m in width and 11.5m deep. The house would have a ridge level measuring 8.4m from the ground and an eaves level of 5.0m. The front and rear of the dwelling would have matching projecting gables. A balcony would project at first floor level on the rear elevation. The proposal also includes dormer windows on the front and rear elevation. A detached double garage with a hipped roof would be located to the front of the house. The house would be served by an entrance drive with a garden area to the rear.

### House Type B/D/E

Two storey dwellings with a long two storey range projecting from the front elevation. The houses would have differing ridge levels, 9.8m at the highest point. The main body of the house would have a footprint measuring 12.0m x 7.0m and the front projection would extend for 8.5m from the front elevation. The roof structure would be a mix of gables and hips with integral double garages. Garden areas would be provided to the rear.

### House Type C/F/G/H

Two storey dwellings with hipped roof to a height of 9.7m and double garage projecting from the front elevation. The main house would have a footprint measuring 12.7m x 10.0m.

The dwellings would be served by private garden areas to the rear and would be accessed off Hoe Lane.

### **Relevant History:**

#### Spinney Nursery

There is a relatively long history of applications at the site, the most relevant and recent being;

CLD/EPF/2430/03 - Certificate of lawfulness for use of part of nursery for motor vehicle repairs/parts and storage of vehicles and plant for abandoned vehicle recovery service. Lawful - 27/01/2004.

#### Burleigh Lodge/Nursery

EPF/0444/09 - Certificate of lawful development for existing use of barn as a workshop for the repair and maintenance of all types of commercial vehicles and machinery with associated parking and storage of vehicles within the revised curtilage. (Revised application). Lawful – 21/04/09.

EPF/0083/12 - Demolition of existing glass houses and vehicle workshops and erection of a replacement building to provide modern vehicle workshops and storage units. Refuse Permission - 08/03/2012. Appeal Dismissed – 27/02/13.

EPF/0087/14 - Outline application for proposed replacement of existing warehouse units and removal of glass house remains, with new warehouse building. Grant Permission (With Conditions) - 27/03/2014.

#### Ridge Lodge

EPF/0953/90 - Outline application for dwelling. Refuse Permission - 24/08/1990.

### **Policies Applied:**

CP1- Achieving Sustainable Development Objectives  
CP2 - Protecting the Quality of the Rural and Built Environment  
CP3 - New Development  
CP4 - Energy Conservation  
CP5 - Sustainable Building  
CP6 - Achieving Sustainable Urban Development Patterns  
CP7 - Urban Form and Quality  
CP8 – Sustainable Economic Development  
CP9 - Sustainable Transport  
GB2A – General Restraint  
GB7A – Conspicuous Development  
RP4 – Contaminated Land  
U2B – Flood Risk Assessment Zones  
U3B – Sustainable Drainage Systems  
DBE1 – New Buildings  
DBE2 – Impact of Buildings on Neighbouring Property  
DBE4 – Design and Location of New Buildings within Green Belt  
DBE5 – Design and Layout of New Development  
DBE6 – Car Parking in New Development  
DBE7 – Public Open Space  
DBE8 – Private Amenity space  
DBE9 – Amenity  
H3A - Housing Density  
H4A – Dwelling Mix  
H5A - Affordable Housing  
H6A - Site Thresholds for Affordable Housing  
H7A - Levels of Affordable Housing  
H8A – Availability of Affordable Housing in Perpetuity  
H9A – Lifetime Homes  
NC4 – Protection of Established Habitat  
LL1 – Rural Landscape  
LL2 – Resist Inappropriate Development  
LL3 – Edge of Settlement  
LL10 – Retention of Trees  
LL11 – Landscaping Schemes  
ST1 - Location of Development  
ST2 - Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
ST7– Criteria for Assessing Proposals (new development)  
I1A – Planning Obligations

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL: No objection.

51 neighbours consulted, Site Notice displayed and press advert in local newspaper.

Objections- 2 replies.

WEST ESSEX RAMBLERS: Objection. The proposed development is for luxury houses and is in no way justifiable as the required very special circumstance.

GREENLEAVES: Objection. Inappropriate development in the Green Belt. It is unclear if all the existing commercial uses would cease and as such where is the planning gain? The majority of the development is of residential garden areas. Concern that the immediate area will become overdeveloped. Concern about developing housing estates along Hoe Lane. Commercial traffic will still visit other premises on the lane. Industry and housing should not co-exist together. Concern that Great Crested Newts have been found on or near the site.

Support – 21 replies received.

A standardised response was signed by the occupants of the following properties: PADDOCK VIEW, LODGE HALL, RIDGE HOUSE, STONESHOTT COTTAGE, LNS NURSERY, BURLEIGH LODGE, UNIT 12 MIDDLEBROOK FARM, TUDOR LODGE, FIELDSDALE, PARKE FARM, 3 MILLBROOK BUSINESS PARK, SHIREE LODGE, WINSTON FARM, CAMPS MANOR, STONESHOTT VIEW, STONEYFIELD NURSERY, OAKLEY HALL, 39 HOE LANE, PROSPECTS HOUSE, SPINNEY NURSERY, PRESDALE FARM HOUSE:-

Hoe Lane is continually blighted by the movement of heavy goods lorries and this proposal would help reduce such movements. The scheme would help provide much needed housing on brownfield sites as required by the Government. The proposed housing is in keeping with the existing pattern of development. This area of Hoe Lane has a small access and is unsuitable for the movement of large vehicles. The road surface of Hoe Lane is badly damaged by the movement of commercial vehicles along it.

Further Individual Comments Added:

LODGE HALL: Fly tipping is a problem along the lane.

RIDGE HOUSE: Hoe Lane needs money spent on it to repair the damaged road surface.

LNS NURSERY: We support this application because of the shortage of housing and the reduction in commercial traffic that will result.

TUDOR LODGE: Traffic on the lane would be reduced.

FIELDSDALE: Residential is preferable to commercial.

PARKE FARM: A reduction in traffic is a considerable benefit.

3 MILLBROOK BUSINESS PARK: As an owner of a business we do not want to see an increase in commercial traffic.

SHIREE LODGE: Reduction in noise and disturbance from heavy goods vehicles.

WINSTON FARM: Residential is preferable to commercial on a country lane.

39 HOE LANE: Would prefer to see residential to commercial development.

PRESDALE FARM HOUSE: Would like to see a reduction in commercial uses on the lane.

STONEFIELD NURSERY: We live on the lane (beside Spinney Nursery) and the change to residential will bring an immense improvement. Concern that all around us horticultural uses have become commercial with associated noise, disturbance, traffic movements and parking concerns. Concern that Hoe Lane was not built to deal with large volumes of commercial traffic and is not served by lighting or a footpath. If this scheme is not approved the proliferation of commercial uses will increase and cause further distress in this mainly residential area. Low density residential is appropriate and would fit in with the general character of the area. The design is appropriate and an approval will reduce the movement of large commercial vehicles along the lane.

### **Issues and Considerations:**

There are a number of issues to consider with regards to this development, and a large number of consultees responses to assess, chief among these is; the principle of this development having regard to national and local planning policy, the site's location in the Metropolitan Green Belt, the characteristics of the development, potential impact on the landscape/trees/hedgerows/vegetation, access to the site, the existing habitat and the comments of all consultees.

### **Principle of the Development/Green Belt**

The application site and indeed the entire lane is within the Metropolitan Green Belt and Paragraph 89 of the NPPF outlines the types of new buildings deemed appropriate in such locations. A case in support of this application has been submitted as part of the Design and Access Statement by Hertford Planning Services (HPS) and local letters of support also provide justification for approving this scheme. The case for approval will be addressed within this report.

In the Local Planning Authority's view what is proposed does not meet any of the criteria deemed potentially appropriate in Paragraph 89. The only potential indent of the paragraph which could apply is that which recognises the partial or complete redevelopment of brownfield sites as being not inappropriate. However it is difficult to accept that the sites, save for Burleigh Nursery, are brownfield. The glossary to the NPPF specifically removes private garden areas from what constitutes previously developed land and the majority of the scheme is to develop garden land. In any case the policy requires that the new development does not have a materially greater impact on the open character of the Green Belt. As seven of the houses involves the development of land that is unoccupied by buildings it is difficult to conclude that this test would be met. It is accepted that the car repair buildings at Burleigh Nursery would be removed but it cannot be accepted that the impact of this development would not be material in Green Belt terms. The proposed development is therefore deemed inappropriate in the Green Belt and therefore reference must be made to Paragraph 87 of the NPPF which requires in such instances a case for very special circumstances. The HPS Statement does outline a case for very special circumstances which must be addressed. The benefits of the development as outlined by neighbours will also be referred to.

### **Policy Vacuum/5-year Supply of Housing**

It is firstly stated that owing to the current stage in the preparation of the new Local Plan a policy vacuum exists. It is also stated that Epping Forest District Council cannot demonstrate a 5-year supply of land for housing. It is not necessarily accepted that a policy vacuum exists in that if Local Authorities cannot demonstrate a 5-year supply of housing sites then proposals for housing should be assessed in the context of the presumption in favour of sustainable development (Paragraph 49 NPPF). The Council is currently working towards identifying its Objectively Assessed Housing Need target from which the current supply of sites for housing can be determined. Should the outcome of this process conclude that a 5-year supply does not exist then the refusal of consent of housing schemes on the single issue of having a sufficient, identified, suitable and deliverable supply of housing land would be difficult to defend.



It has been accepted through the Community Choices document that Green Belt land will have to be released to meet future housing need. It is of course much more preferable that this is achieved through the plan making process. The issue is therefore is the proposed development a sustainable way to meet housing need in the district?

The recently adopted National Planning Practice Guidance (NPPG) has reaffirmed a view previously espoused by Planning Ministers that the single issue of unmet housing need is unlikely to outweigh harm to the Green Belt and any other harm to constitute a very special circumstances argument. It is not therefore considered that in the event of a shortfall of deliverable sites for housing that such a scenario would justify the proposed development. Clarification has therefore been provided that unmet need should not necessarily justify Green Belt development to meet the need and that if Green Belt sites are released for housing this is best achieved through the plan making process. Furthermore the proposed scheme would fail the test of the presumption in favour of sustainable development in meeting this need. What is proposed are large detached houses set on generous plots and this is not a sustainable way to meet housing need on Green Belt sites.

### Removal of Industrial/Commercial Uses

The HPS Statement also outlines how there would be benefits to the visual amenity of the Green Belt through the removal of dilapidated glasshouses and commercial buildings. It appears from the proposed block plan layout (10920-P005-C) that the car repairs building and all buildings on Burleigh Nursery would be removed from site. It is the case that particularly the glasshouse structure is in a poor state of repair. As such the removal of the structures would bring visual benefits. No information is provided as to what would happen to the displaced businesses. Early in 2014 consent was granted for modern warehouse facilities where a strong case was made for the need to regularise the site and provide more practical facilities for its occupants. It is unclear where these businesses would continue to trade or would this development result in actual job losses.

Visual benefits can be accepted, however only on the Burleigh Nursery site, and this site benefits from consent for a modern designed building. It is hard to accept that any visual benefits justify the development of garden areas. The development at Ridge House appears to be the construction of four luxury style dwellings in a garden or paddock area. The garden of Burleigh Nursery would accommodate a luxury property. It is assumed that the development at Spinney Nursery involves the demolition of the low set car repairs business and the removal of some shipping containers. However it can't be accepted that material impact on the open character of the Green Belt would not ensue owing to the material increase in built form across these sites.

### HGV Movements/Commercial Units

The development sites form part of an opportunity area "Naz 1" as identified in the 2012 Issues and Options Consultation Document. At the outset of this consultation concern was expressed by the Parish Council about the amount of HGV movements and their damage to the lane. It is also apparent from letters of support that the movement of such vehicles is a concern of residents and business owners along Hoe Lane. Whilst some businesses would be removed from the lane, in truth a large number would remain including around the application site. To the front of Burleigh Nursery is the Millbrook Business Park which contains a large number of business units. To the rear of the nursery Middlebrook Farm has been sub-divided to form commercial units. In close proximity to the site are a number of large working nurseries. Stoneshott Farm is located further east along Hoe Lane, and although currently the subject of a separate planning application for residential development, has a lawful use for commercial. Furthermore the Local Planning Authority within the past year has granted consent for three separate glasshouse developments within close proximity of this site and on Hoe Lane. All would attract movements of large commercial vehicles.

The concerns of residents are noted, however HGV movements are more of an issue progressing east from the site along the lane and this residential development would not seriously alter this existing scenario. Any material difference could only be achieved through the plan making progress with the wider area considered more strategically. Strategic issues such as potential impacts on local schools and services could be factored into the decision making process. Piecemeal redevelopments would not seriously address the wider concern. The lane is home to a large number of businesses in separate ownerships and this is a broader concern that cannot be addressed unless considered as a whole. As stated this is best achieved through the plan making process. It is not therefore considered that any reduction in the movement of large vehicles along Hoe Lane would amount to a very special circumstance that would overcome the clear policy objections that this proposed development creates.

### Affordable Housing

Very often with such schemes a significant amount of affordable housing (often set at 80%) is put forward as a very special circumstance. The provision of some of these units for affordable housing is not being put forward and the Heads of Terms does not include a financial contribution in lieu of the provision of units. There is a significant demand for affordable housing in the district and both local and national policy outlines that in certain circumstances provision should be made. There is no doubt this site meets the criteria where the Local Planning Authority can require affordable housing. Even with the Government revisions to the threshold for affordable housing contributions which was updated in December 2014, this scheme would still require a provision as 10 units are proposed and the gross internal floor area for the proposed scheme is greater than 1000 sq m (circa 2800 sq m).

The proposed units are inappropriate for the provision of affordable housing. In order to achieve affordable housing on site a reworking of the scheme would be required to either redesign the units to provide smaller houses at a much larger density or a scenario where 40% of the site area accommodates affordable housing.

The NPPF at Paragraph 173 requires that Local Planning Authorities should pay careful attention to scheme viability when considering such issues as affordable housing contributions. Any scheme must provide competitive returns to a willing landowner and a willing developer to ensure the development is deliverable. Although no affordable housing contributions have been put forward a Viability Appraisal has been submitted. This suggests that this scheme for ten detached dwellings would not be viable if affordable housing or a contribution in lieu of on site provision had to be provided. In line with Council policy the Viability Appraisal has been validated by external consultants and a detailed response received.

The issue of viability involves debate around issues such as existing use value, scheme value, development costs and development profit. It is not necessary to reproduce all calculations and figures in this report. However the applicant's submission outlines how the overall Gross Development Value (circa £7.66 million) would be less than the total development costs (circa £10.567m). This is before a development profit of 20% (1.5m) is added. If, as these submitted figures suggest, this development would result in a deficit of circa 2.907m before a developer profit is added, it begs the question why is this development being contemplated?

The Council's Viability Consultants have generated their own figures using the HCA Development Appraisal Tool (DAT) using their own assumptions where they feel unable to accept the applicant's figures. The Consultants accept the applicant's Gross Development Value figure of circa £7.66m. However a total costs figure of circa 7.025m is considered a more realistic figure for total costs. This results in a surplus of £474,321 or a Developer Profit of some 6.3%. The generally accepted return for risk is 20% or 1.5m. Again it therefore seems doubtful if such a scheme would be viable. At an appeal in the district in January 2014 (app/J1535/A/13/2207004) an Inspector concluded on the issue of Developer Return "...In the absence of any substantive evidence to the contrary I

conclude that a profit of 20% of Gross Development Value is unlikely to be achieved. Such a profit is agreed by the parties to be a reasonable return and as indicated in the evidence submitted generally accepted to be so...". It therefore appears that even without an affordable housing contribution this is not a viable scheme having regard to industry standards on profit. A contribution towards affordable housing cannot therefore be requested.

It could be the case that the Council grants consent for this scheme and the applicant is able to increase the profit margin by readdressing the overall development costs. Indeed another application may be submitted for a significantly altered development which has an increased profit margin. However the professional advice that the Local Planning Authority has received is that there is a very low profit margin in this scheme and as such contributions, either on site or an in lieu payment, cannot be sought on this site. There are no local or national policies which prevent a developer from bringing forward a scheme with tight margins or which can insist on a redrawn development which can accommodate affordable housing. Some developers may be willing to accept well below the industry standard but that is not a matter for the Local Planning authority to determine. Although it seems difficult to accept that this development would not hold at least the industry standard 20% that is what has been concluded. The development profit is not much more than the projected Existing Use Value of £366, 976 which has been generated by the Council's consultants.

### Green Belt Impact

Paragraph 79 of the NPPF states that "*the essential characteristics of Green Belts are their openness and their permanence*". There can be little doubt that the proposed development would have a detrimental impact on the open character of the Green Belt, largely through the construction of two storey dwellings on currently undeveloped land, which could not be overcome with planning conditions. Openness is a concept relating to an absence of buildings i.e. it is land that is not built upon. The loss of openness is, of itself, contrary to the underlying Green Belt policy objective. Therefore the fact that some screening exists around the site would not render this inappropriate development appropriate. The intrinsic impact on open character cannot be overcome.

Paragraph 80 of the NPPF outlines the five purposes of the Green Belt and point three lists one purpose as being "*to assist in safeguarding the countryside from encroachment*". As stated it is considered that impact on open character would result and this cannot be overcome. Openness is epitomised by a lack of buildings and not by buildings that are unobtrusive or screened. Notwithstanding the impact on openness and despite some screening this development will be more visually intrusive than the existing land uses. Even the houses on the brownfield section of land (Burleigh Nursery) would be much more prominent from the surrounding countryside. At present the development site at Ridge House is used as a garden area. The construction of four two storey dwellings would result in a much more visually intrusive development. It is therefore considered that as well as an injurious impact on open character, the proposed scheme would also be visually intrusive.

As the foregoing has outlined it is not considered that a case for very special circumstances exists to outweigh the harm to the Green Belt. Impact on open character can be identified. Furthermore the proposed scheme would be visually intrusive and much more prominent than the current land uses of these four sites which collectively make up the development site.

### Design

Hoe Lane and the private road have a mix of dwelling styles with a majority of larger detached properties. The use of good quality materials would ensure a satisfactory appearance in terms of finish for all house types.

House type A is a large, fairly imposing structure with front and rear gabled features and dormer windows. Notwithstanding Green Belt concerns the design would not be out of place at this location. Care should be taken to avoid a suburbanising effect but this would not result with this standalone property.

House type B/D/E, which would be located at Burleigh Nursery (x2) and Ridge House (x1) are also fairly large dwelling styles. The houses would have a projecting feature which would include a garage/study area, with a bedroom above. The mix of eaves levels and ridge heights adds some character and again the design raises no serious issues.

House type C/F/G/H is more standardised and is a square plan form with projecting garage to the front. The use of good quality material, which could be agreed by condition, should ensure an appropriate appearance.

The layout of the proposed development at Ridge House and Burleigh Nursery is to some degree suburban in nature. However the mix of land uses along this lane is unconventional and it is not considered that the layout would be a serious cause for concern.

### Amenity

There is clearly some disturbance for commercial activity for residents along Hoe Lane and this is one of the reasons that any future redevelopment really needs a strategic approach in order to achieve any significant alleviation. It is important however that future residential amenity is suitably safeguarded. The dwellings at Ridge House would have an adequate level of amenity and although there are commercial properties to the rear at Middlebrook Farm sufficient separation distance exists. The dwelling in the garden of Burleigh Nursery would be adjacent to the Millbrook Business Park. There would undoubtedly be some impact on amenity from the general movements to and from the site. However the impact is not considered to be to such a level as to warrant refusal.

It is noted that part of the commercial sites at Burleigh Nursery and Spinney Nursery are outside the red line site plans. However submitted site plans do show the buildings as being removed and planning conditions can be enforced for development within the blue line of the site. The removal of these buildings would be a prerequisite to any residential development. Many comments have been received about the disturbance that is currently experienced by existing residents from the movement of large vehicles in the area and there is an argument as to whether piecemeal residential developments should be encouraged. However this development will not make this particular issue any worse and from this respect the scheme can be justified. The proposed garden sizes are considered adequate.

House type A includes a rear facing balcony but owing to the distance to the proposed boundary with Burleigh Nursery and the fact that a screen could be agreed on the balcony and/or the boundary this is not considered a serious concern. Concern had been expressed that the original submitted plans had side facing bedroom windows which it would have been necessary to condition as obscure glazed. However amended plans received have reconfigured the internal layout and this has addressed this issue of concern. All side facing windows on the dwellings at first floor level can now be reasonably conditioned as obscure glazed.

### Highway Safety and Parking

The Highway Authority has no objections to this proposal. The accessway off of Hoe Lane is private and consequently the Highway Authority has no control over it. The proposal will not generate significant amounts of traffic over what the lawful commercial/industrial use could have, and it would have the benefit of reducing HGV movements to the site. The access onto Hoe Lane

has appropriate visibility and geometry and the proposal will not be detrimental to highway safety or efficiency as a result.

#### Environment Agency/Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is therefore required. The applicant is proposing to dispose of surface water by a sustainable drainage system. Further details are required. The applicant has not provided a proposal to dispose of foul sewage. Further details are required for the disposal of foul sewage and this can be agreed by condition.

The Environment Agency has requested a Flood Risk Assessment prior to any approval being issued. However this site is in Floodzone 1 which has a low probability of flooding and requiring the details by a condition of approval is sufficient.

#### Trees and Landscaping

Tree reports have been submitted with this proposal which demonstrate that the majority of the trees can be safely retained. As such they will provide good screening and maturity to garden areas. There is no objection to this element of the scheme subject to the submission of a tree protection plan and details of hard and soft landscaping.

#### Ecology

A condition requiring a Great Crested Newt Survey would be necessary on any approved scheme as the submitted Ecology Assessment suggests that part of the site is most likely occupied by the species. Should the survey reveal the presence of any Great Crested Newts then a detailed mitigation strategy must be submitted in accordance with any guidelines available from Natural England (or other relevant body) and submitted to the Council for approval.

#### Contaminated Land

Owing to previous and existing uses of the site the standard land contamination conditions would be necessary on any approved scheme.

#### Section 106 Heads of Terms

A Heads of Terms for a Section 106 Agreement to agree development contributions has been submitted. It is noted that the proposed education contributions are much higher than what Essex County Council has requested but the details of the contribution could be agreed on the grant of permission or prior to the determination of any subsequent appeal. It is considered an education contribution is necessary to make this development acceptable in planning terms.

The Heads of Terms makes reference to contributions for waste management and green infrastructure but there are no details how this figure is arrived at. The Council has no adopted Community Infrastructure Levy (CIL) with a set figure for contributions. Therefore there is no mechanism to validly request such a contribution.

#### **Conclusion:**

The proposed scheme is considered an inappropriate development in a Green Belt location for which a case for very special circumstances is required. It is not considered that such a case exists. Furthermore impact on the open character of the Green Belt would be materially greater

should this scheme be developed. Regardless of whether the Council can demonstrate a 5-year supply of housing land it is not considered that the redevelopment of undeveloped land with luxury homes is a sustainable way to meet this need. There would be some visual benefits from the removal of dilapidated structures from the site but this can only be afforded limited weight when judged against the in principle Green Belt objections and the harm to open character/visual amenity which can be demonstrated.

It is further accepted that the removal of some commercial units will reduce the amount of HGV movements along the land and that this is clearly an issue of local concern. However any benefits do not justify this form of development. A large number of businesses would still attract HGV movements and it has been suggested in this report that the matter cannot be addressed with piecemeal developments and requires a more strategic approach through the Local Plan making process.

However for the clear concerns identified above it is recommended that this application is refused consent.

### Is There a Way Forward?

The scheme is clearly contrary to national and local Green Belt policy and as stated it is not considered a case for very special circumstances exists. National policy through the NPPF does permit the redevelopment of brownfield sites which do not have a materially greater impact on the Green Belt. Ridge House does not contain any built form which could be used as justification for housing in lieu. In truth Spinney Nursery is only occupied by a small commercial building which would justify potentially one small dwelling of a similar volume. There would be the added benefit of removing a use which has nuisance potential. A large section of Burleigh Nursery can be classed as brownfield and this site also benefits from an extant permission to redevelop with new commercial units. A number of dilapidated glasshouse structures could also be removed to justify a small housing scheme. The foregoing provides an informal potential way forward for a much scaled down, redesigned scheme.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

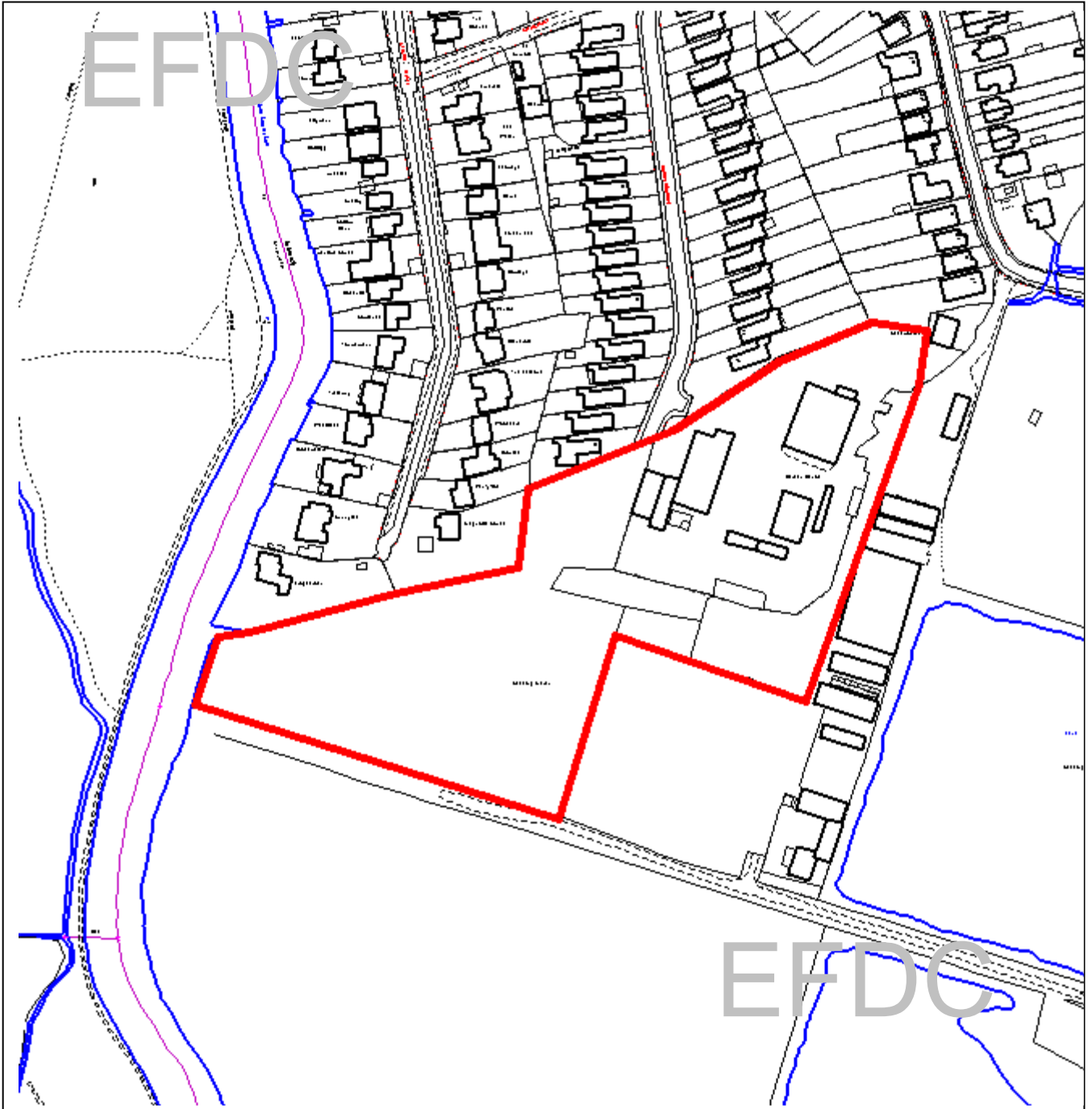
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/0206/14
Site Name:	Chimes Garden Centre, Old Nazeing Road, Broxbourne, EN10 6RJ
Scale of Plot:	1/2500



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0206/14
<b>SITE ADDRESS:</b>	Chimes Garden Centre Old Nazeing Road Broxbourne Essex EN10 6RJ
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	BDG Partners Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garden centre/commercial buildings and erection of 43 dwellings with associated parking and landscaping
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=559339](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559339)

**REASON FOR REFUSAL**

- 1 The proposed development includes "more vulnerable" development located within Flood Zone 3. The development does not provide wider sustainability benefits that outweigh the flood risk and does not therefore pass the Exceptions Test. As such the proposal is contrary to the NPPF para 102.
- 2 The development, due to the amount of built form that will intrude in to the southern half of the site which is currently free of buildings, will have a significantly greater impact on the openness of the Green Belt than the existing development and as such is inappropriate and by definition harmful. The development is therefore contrary to policy GB2A of the adopted Local Plan and Alterations and to the NPPF.
- 3 The proposal fails to provide on site affordable housing despite such provision being financially viable and the site being suitable for such development, as such the development is contrary to policies H5A, H6A, and H7A of the adopted Local Plan and Alterations and Para 50 of the NPPF.
- 4 By reason of the site's location beyond the statutory walking distance to a secondary school the proposal will generate an additional cost to the Local Education Authority, Essex County Council, for transporting children to secondary school. However, the proposal does not include any mechanism to meet those additional costs. Since the proposal fails to properly address this matter it is not a sustainable form of development and is consequently contrary to policies CP9(iii) and I1A of the Adopted Local Plan and Alterations, which are consistent with the National Planning Policy Framework.

*This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))*

### **Description of Site:**

The application site is an irregularly shaped area of land roughly two triangles. The northern triangle is predominantly hard surfaces and contains a number of buildings including a glasshouse, the southern triangle is open scrubland. The site is located to the south of the residential area comprising Riverside Avenue and Great Meadow. The northern boundary of the site is bounded by flank garden boundaries of residential properties. The short western boundary is the River Lee Navigation and to the south and east is open land. The site is accessed from Old Nazeing Road. In addition there is currently a gated access from the end of Great Meadow.

The site lies wholly within the Metropolitan Green Belt and is within the Lea Valley Regional Park. (LVRP) It is not within a conservation area.

### **Description of Proposal:**

The proposal is to remove all the existing buildings and hard standing from the site and to redevelop the whole of the site with 43 two and two and a half storey detached and semi detached houses in a simple layout around a central estate road accessed via the existing access from Old Nazeing Road. 13 different house types are proposed. All are fairly standard pitched roofed design of traditional materials and proportions and all include garaging and on plot parking. The dwellings include 2 x 3 bed, 22 x 4 bed, 9 x 5 bed, 9 x 6 bed and 1 x 8 bed units. The largest detached property, which is to be located on Plot 19 backing on to the river, has a width of 21 metres, total depth of 18m and a main ridge height of 9.6m and includes a detached double garage with space for accommodation above. This is shown to be a 3 bed property. The 8 bed unit is located on Plot 14 in the centre of the site.

### **Relevant History:**

The site has a long and complex planning History. An area of land to the immediate east of the site, which was at one time known as Nazebourne Poultry Farm was included within the same planning file as the application site and the planning history is therefore quite difficult to separate out. In summary

The grant of planning permission in 1971 for a Garden Centre (Sui Generis use) under EPO/0565/71 commenced the current chapter in the planning history of the site. Condition 2 laid out what goods could be sold from the site as an ancillary use of the Garden Centre. Condition 3 stated that the premises should only be used as a Garden Centre and for no other use. The plans show the area of the permission as the area encompassed by the current buildings and an area of land to the west.

It is important at this stage to recognise that there were in 1971, and are in 2013, two separate planning units on the area encompassed by the Planning File (PL000430). One is known as Chimes Garden Centre and the other was Nazebourne Poultry Farm. These two planning units are clearly and separately identified in the Planning Files in the individual applications and their associated plans. Chimes is the subject of the current application and the Nazebourne Poultry Farm site which had a number of buildings and non conforming uses has been purchased by the LVRPA, cleared and returned to grass.

**Chimes** then was subject of the following applications (these are relevant not an exhaustive list):

1975 - EPF/0668/75 - Rebuilding of nursery as Garden Centre - granted  
1975 - EPF/1014/75 - Extraction of sand and gravel - granted (area to west of site)  
1982 - EPF/0003/82 - LDC for storage and sale of building materials - refused  
1984 - EPF/0689/84 - Extension of garden centre and addition parking - granted  
1989 - Section 52 agreement on use of land to south of Chimes site for car parking and no other uses

The Garden Centre changed its name in 1995 to The Potting Shed. Some time before this the site had encompassed an area to the south of the original planning permission which was to become after 2006, used without consent by a pallet firm, gas suppliers, flower sales and shed manufactures', later destroyed by fire in 2012.

The garden centre closed in about 1999.

It was then allowed to become derelict and was unused until late 2006 when a number of businesses moved on to the site from the adjacent Nazebourne Poultry Farm which was cleared of development as part of a section 106 agreement..

The following applications were received in this time:

2003 - EPF/2211/03 5 dwellings - refused  
2004 - EPF/1860/04 5 dwellings - withdrawn  
2006 - EPF/0040/06 5 dwellings - refused

In 2002 Essex Country Council served an enforcement notice on the west of the site regarding the tipping of waste.

In December 2006 enforcement investigations commenced into building works in two of the garden centre buildings and the new uses of the site which were A1, B1, B2 and B8, and some Sui Generis uses. In 2007 a number of small buildings were erected on the site, large scale fencing erected and an area of hardstanding re-laid with a glasshouse being erected. The enforcement investigation concluded that there had been a change of use and operational development which required planning permission.

Enforcement Notices were served in 2011 (These were withdrawn after protracted negotiations over the submission of a planning application with Kelsworth).

After some considerable delay a planning application for the change of uses was submitted:

2012 - EPF/0969/12 Change of use of Garden centre to horticulture and B1 (Business uses) – withdrawn

In 2012 a fire swept the site and burnt down the majority of the uses to the south of the site. Some uses continued to the north and a new use of car repairs started in building 1.

In 2013 – EPF/0524/13- Replacement buildings damaged in a recent fire and the erection of further amenity buildings for waste disposal and cycle storage facilities in connection with retention of a mixed use of retail garden centre and commercial centre with business uses A1 (retail), B1 (light industrial and office), B2 (general industry) and B8 (storage use) - Withdrawn

Currently the site is covered by two extant enforcement notices and a S215 (Untidy Land Notice). The enforcement notices cover the site for use for car repairs, B2 general industrial uses, stationing of buildings and container and various unauthorised B1 & B8 uses. There are ongoing breaches of the notices in that the external wall of the southerly garden centre structure have not been removed nor has the fencing around the site (although the enforcement section is prepared

for this to remain temporarily to provide security for the site) and the storage and processing of artificial grass within the glasshouse building. The Enforcement Team are trying to secure details of the owners of the turf company to serve summons. The S215 notice requires the site to be cleared of rubbish, cars, building materials and external storage of rolls of artificial grass. A prosecution of the site owner is currently ongoing. The Dog Grooming company (K9) is lawfully occupying part of the northern garden centre structure.

**Nazebourne Poultry Farm** (which lies adjacent to the application site has been subject to the following applications and events:

1989 - EPF/0911/89 - Continued use of building for A1 and A3 - refused  
1989 - EPF/0912/89 - Buildings for use as B1 and B8 - refused  
1989 - EPF/0913/89 - Buildings for use as A1 - Refused  
1990 - EPF/0229/90 - Buildings for B1 & B8 - granted & Section 106 agreement to remove all buildings and uses by 2004  
1990 - EPF/0230/90 - Buildings for B1 & B8 – granted with conditions and subject to legal agreement  
1990 - EPF/0231/90 - Buildings for A1 - granted with conditions and subject to legal agreement

2005/6 - site cleared in accordance with the Section 106 agreement, some businesses decamped onto the separate planning unit at Chimes without consent.  
The site is within the ownership of the LVRP Authority and has been returned to open grassland.

### **Summary of Representations**

The application was advertised in the Local Press, and site notices were erected  
29 neighbours were consulted and the following consultation responses were received:

**172** signed copies of a standard letter have been received from local addresses in and around Nazeing the letter reads:

Re: Chimes garden centre & business park- EPF/0206/14 Old Nazeing Road, Nazeing, EN10 6JR  
With respect to the above property, this letter is to confirm that:-

1. I have seen the residential proposals for the site submitted by the current owners, BDG Partners Ltd, for 43 houses on the 6 acre site.
2. In principle, I agree to a low density, high quality residential development of the Chimes site
3. I would prefer that should residential consent be permitted that no social or affordable housing is built on the site
4. I do not want the Chimes site to continue as a commercial complex, garden centre or industrial premises.
5. That the site entrance into Great Meadow be permanently shut.

**In addition the following comments were received:**

9 CROWNFIELD, BROXBOURNE – support the principle of residential development which would be preferable to the existing marginal industrial and most certainly preferable to enhanced industrial use on the expiry of the current lease..

FROGSCROAK, RIVERSIDE AVENUE - I live adjacent to where the housing estate is proposed. I am concerned that two of the proposed houses will overlook my house, and to ask that if planning permission is granted these two houses are designed to retain as much of my privacy as possible.

7 GREAT MEADOW - Oppose this development. 2<sup>nd</sup> time we have been sent this with the same threat to open up the gate in Great Meadow and use the land as a commercial site if we do not

agree to his proposals. Do not trust this company. Most of the residents in Great Meadow are over 70 and should not be harassed time after time. Old Nazeing Road will not support more cars, could be over 100 vehicles, additional traffic noise.

135 OLD NAZEING ROAD – I want BDG to be fined... I am opposed to any housing.

104A OLD NAZEING ROAD – Object to the amount of housing proposed increased traffic on a very dangerous corner. Old Nazeing Road is very narrow and not designed to accommodate further traffic. We suggest light commercial use be considered, as probably fewer vehicles would be using the site and out of usual business hours local residents would be less affected.

WESTFLEET, RIVERSIDE AVENUE – I do object to residential development, but would rather commercial garden centre industrial premises as the road would not take any more traffic and inconvenience to residents.

PEN Y DRE, RIVERSIDE AVENUE – Object Housing would be more appropriate than commercial development but all forms of development are likely to increase flooding risk to the surrounding properties.

79 OLD NAZEING ROAD – Concern. Outside my property the road narrows down on to the corner to the entrance, if two cars are passing 1 drives up on the pavement. Also sewage and drainage system is inadequate.

27 GREAT MEADOW – Use as a garden centre would be perfectly acceptable. The letter sent to us dated 31<sup>st</sup> march 2014 from the Director of BDG Partners Ltd makes us feel bullied to agree his proposals or suffer the redevelopment to commercial use on the site. I believe it is time for the council to stop the proposed redevelopment and that the land should only be used a garden centre.

45 OLD NAZEING ROAD – Oppose the development. We do not have the infrastructure to accommodate more residents in the area. Doctors and schools can't cope, traffic in morning rush hour is queuing back a good half mile or more on the Nazeing new Road. Very glad the businesses have stopped as the 10 wheeler vehicles have stopped on our country road.

NAZEING PRIMARY SCHOOL – Letter from the chair of governors raising concern that if all the developments currently proposed around Nazeing are approved the school which already has inadequate space will have to have larger accommodation/additional temporary classrooms to cope. The educational infrastructure costs must be borne in mind..

21 NORTH BARN - agree principle of low density high quality development but would prefer the site to be reinstated as a garden centre with possible addition of a convenience shop/post office as the village shop has been greatly missed since its closure.. Nazeing shops are a long walk and bus service is 1 an hour.

77 OLD NAZEING ROAD- I have seen the plans do not agree principle of housing on the site, do not agree that affordable housing should not be provided, do not want commercial use on the site and do want the gate into great meadow to be permanently shut. There are already traffic problems, the road can't take any more. There are sewage problems, the area is a natural flood plain and should be left as such. Certain people send out threats that if they do not get their planning permission they will turn it into a commercial venture. No consideration for the people who already live here.

65 OLD NAZEING ROAD – I agree the principle of low density high quality residential and would prefer if residential is permitted, no social or affordable housing is built on the site, I do not want the site to continue as commercial or industrial premises but would be happy to have a garden

centre. The gate from Great Meadow should be permanently shut. I would like to note that while I agree with the proposals I find the letter detailing it all very threatening.

157 OLD NAZEING ROAD – I agree the wording of the standard letter but I also think Lea Valley Regional Park should work with the developer to improve the long neglected site. At present no one visits it.

36 BUTTONDENE CRESCENT – Agree the standard letter although I have no objection to affordable housing. Would like to be sure that the proposed development will not add to potential flooding issues and all ground works hard finishes will be permeable.

ROSEHILL- RIVERSIDE AVE – I do not agree the principle of low density residential development. I support retaining the site as a garden centre/commercial centre, alternatively I would prefer higher density of 15 houses per acre in keeping with government guidelines to increase the number of available homes, thus helping people to buy a home through Help to buy/right to buy and New Buy schemes. A higher density would enable the regional authority to easier achieve targets set by government. Failing to agree the application would not be detrimental to the local area as suggested by BDG. Continued garden centre use would encourage local business to flourish. Increased commercial use and threat of increased HGV traffic is not a sustainable argument for the council to consider, other than to assess local safety and noise issues. Reverting to vehicular access to the site via Great Meadow is in my opinion, scare tactic by BDG partners to encourage support for their initial proposal

26 BUTTONDENE CRESCENT – Disagree with the standard letter. This site is not suitable for the houses requested, we do not have the infrastructure to support them, they are requesting to build on a very high water table. It would put a bigger strain on local roads.

57 OLD NAZEING ROAD – Agree principle of low density residential development do not object to affordable housing on site, do not mind if the site continues as a commercial garden centre or industrial premises. I would like to see the entrance to Great Meadow permanently shut.

THE COTTAGE, MIDDLE STREET - My main concerns are the areas the construction traffic will be travelling through. I live in Middle Street near the Nazeing Golf course and already feel my 200 year old house shake when buses or lorries go past. If construction traffic will be using routes up Middle Street towards Common Road/The Crooked Mile then I will object to this development. The roads are already in a very poor condition with pot holes and more HGV traffic is going to make the situation worse.

THE FALCONS, RIVERSIDE AVENUE - I am in support of this development. The current site is an eyesore and I would much rather see houses.

BROXBOURNE COUNCIL - The only major concern we have with the proposal is the possibility of future occupiers travelling westwards up onto Station Road as a means of exiting out into the main highway network. The stretch of road leading onto Station Road is one-way and the exit out into Station Road is constrained with limited visibility. We would prefer that occupiers join the main highway network at Nazeing New Road to the east in order to avoid added pressure to the west of the highway network within the boundary of Broxbourne.

PARISH COUNCIL- Kevin Ellerbeck, director of BDG Partners Ltd, the owner of the site attended and outlined his proposals, he referred to a letter which he had previously sent to the clerk and had circulated to some Cllrs. He provided further information in answer to questions from Cllrs and in particular he confirmed that if permission is granted for the development:

1. He is prepared to provide the Parish Council with a sum of not less than £150,000 to be expended in the Parish

2. He will agree to a condition that the entrance/exit from the site to Great Meadow will be permanently closed.

After consideration it was resolved to support the Application but strictly on the basis that conditions are imposed as offered by the Applicant.

LEE VALLEY REGIONAL PARK AUTHORITY - The planning application was considered by the Authority's ULV Regeneration and Planning Committee on 24<sup>th</sup> April 2014, when it was resolved that:

- 1) Epping Forest District Council be informed that the Authority objects to this application on the following grounds
  - a) The proposed residential use is inappropriate in the Lee Valley Regional Park and the Metropolitan Green Belt
  - b) The likely adverse impacts on landscape form additional built development in an open area of the Park and Metropolitan Green Belt; and
  - c) Incomplete ecological/wildlife surveys

Informative: The site plan includes reference to "access to open space" adjacent to a field owned by the Authority, but in practice this is not publicly accessible.

### **Policies Applied:**

#### **Local Plan Policies**

CP1, Sustainable development objectives  
CP2 Protecting the Quality of the Rural and built environment  
CP3 New Development  
CP6 Achieving sustainable development patterns  
CP7 Urban Form and Quality  
GB2a Development in the Green Belt  
BB10 Development in the Lee Valley Regional Park (LVRP)  
RP3 Water quality  
RP4 Contaminated Land  
H1A Housing provision  
H2A Previously Developed Land  
H3A housing density  
H4A Dwelling Mix  
H5A Provision of affordable housing  
H6A Site thresholds for affordable housing  
H7A levels of affordable housing  
H8A Availability of affordable housing in perpetuity  
H9A Lifetime Homes  
RST24 Design and location of development in the LVRP  
U1 Infrastructure adequacy  
U2A Development in Flood Risk Areas  
U2B Flood Risk assessment Zone  
U3A catchment effects  
U3B Sustainable Drainage Systems  
DBE1 design of new buildings  
DBE2 Effect on neighbouring properties  
DBE3 Design in the Green Belt  
DBE5 Design and layout in new development  
DBE6 Car Parking in new development  
DBE7 Public open space  
DBE8 Private amenity space

DBE9 Loss of amenity  
LL1 Rural Landscape  
LL2 Inappropriate Rural Development  
LL3 Edge of settlement  
LL7 Planting protection and care of trees  
LL10 Adequacy of provision for landscape retention  
LL12 Landscaping schemes  
ST1 Location of development  
ST2 Accessibility of development  
ST4 Road Safety  
ST6 Vehicle Parking  
I1A Planning Obligations  
I4 Enforcement procedures

The above policies are in accordance with the National Planning Policy Framework (NPPF) and are therefore to be afforded due weight

### **Issues and Considerations:**

#### *Green Belt*

The site lies wholly within the Metropolitan Green Belt and the first assessment must be whether the proposed development is in accordance with Green Belt policy as set out within the NPPF and the adopted Local Plan.

The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green belt Policy is to prevent urban sprawl by keeping land permanently open. Construction of new buildings is inappropriate in the Green Belt but the NPPF sets out some exceptions to this, these include

- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The site is previously developed or brownfield land, and the main consideration therefore is whether the development proposed would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

At present some of the uses within the site are not lawful and are the subject of a current enforcement notice, in addition there is an untidy land notice on the site and the applicant has been prosecuted in an effort to secure an improvement to the visual amenity of the area. In assessing the impact of the proposed development we should discount those aspects of the current development that are not lawful and that can be rectified by enforcement action. The northern half of the site however is completely hard surfaced and contains a number of buildings of significant size, which can be used for commercial purposes. (Garden Centre and dog grooming parlour). Redevelopment of this part of the site for housing would be considered appropriate development as it is unlikely that suitably designed housing would have a greater impact on openness than the existing built development. The other half of the site is however at present open in nature, and basically scrubland. The proposed development of this part of the site for residential development as set out in the application is inappropriate development by definition harmful to the Green Belt. The NPPF at Para 88 states "When considering any planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt "very special circumstances" will not exist unless the potential harm to the Green Belt by inappropriateness, and any other harm, is clearly outweighed by other considerations".



The applicants supporting statement argues that the proposed development has a lesser area of building footprint hardstanding and roads than the existing scheme. These figures are not disputed but hardsurfacing and footprint is not equivalent to impact on openness. It is volume and bulk together with the spread of the development that has impact on openness and it is clear that the overall impact of the development is to extend the built form well beyond the current built area such that there is a significant harm to the openness of the Green Belt..

The applicant contends that the development is not inappropriate as the whole of the site is previously developed land and even the south area has previously has buildings and can still be hard surfaced for use as parking in connection with the authorised garden centre use . In addition the contention is that should the alternate view be taken, there are Very Special circumstances sufficient to outweigh the harm.

The factors put forward by the applicants as Very Special Circumstances are:

- 1. The removal of an adverse commercial facility in a predominantly residential area*
- 2. There should be consistency in planning decisions by the LPA. Consent was given by EFDC on the adjacent Greenfield site in the Green Belt for a commercial marina*
- 3. The openness of the green belt is enhanced by the application*
- 4. There will be an overall reduction in traffic using the site and the surrounding roads; there will also be a substantial positive safety impact on the surrounding Keyzers Estate by the absence of HGV's using the site; and the closure of Great Meadow will increase the amenity value for the residents living in that road.*
- 5. The consultations with local residents and with over 100 letters of support, clearly indicate that the amenity advantages to the local residents adjoining the application site and the wider community on the Keyzers Estate, want the residential scheme to be approved to replace the adverse commercial usage for the site that has been a consistent social problem in the local area for many years.*
- 6. The failure of the LPA to provide a 5 year housing supply –. Whilst this is not a VSC in its own right, the knock-on effect is. If planning consent on the application site for 43 dwellings is granted, this will reduce by a corresponding figure the net figure required to be achieved in the Council's Objectively Assessed Housing Need (OAHN) target. This will alleviate pressure on other, more vulnerable Greenfield sites in the Green Belt, amounting to Very Special Circumstances.*

In addition the applicant is offering more money towards the provision of off site affordable housing in the district than that which can be required following the viability appraisal and is also offering to buy the Total Garage site in the centre of Nazeing from the Parish Council for more than the market value of the site.

Whilst it is accepted that the proposal will result in some positive benefits over the existing situation, it is not accepted that this is sufficient to outweigh the harm from the development of the southern part of the site. In addition of extra financing, whilst no doubt welcome, is not in accordance with policy and something that could be repeated elsewhere to achieve none compliant development and therefore can not be regarded as very special circumstances. Acceptance could set a dangerous precedent.

### Housing Issues

#### *5-year Supply of Housing*

It is firstly stated that owing to the current stage in the preparation of the new Local Plan a policy vacuum exists. It is also stated that Epping Forest District Council cannot demonstrate a 5-year supply of land for housing. It is not necessarily accepted that a policy vacuum exists in that if Local Authorities cannot demonstrate a 5-year supply of housing sites then proposals for housing should

be assessed in the context of the presumption in favour of sustainable development (Paragraph 49 NPPF). The Council is currently working towards identifying its Objectively Assessed Housing Need target from which the current supply of sites for housing can be determined. Should the outcome of this process conclude that a 5-year supply does not exist then the refusal of consent of housing schemes on the single issue of having a sufficient, identified, suitable and deliverable supply of housing land would be difficult to defend.

It has been accepted through the Community Choices document that Green Belt land will have to be released to meet future housing need. It is of course much more preferable that this is achieved through the plan making process. The issue is therefore, is the proposed development a sustainable way to meet housing need in the district?

The recently adopted National Planning Practice Guidance (NPPG) has reaffirmed a view previously espoused by Planning Ministers that the single issue of unmet housing need is unlikely to outweigh harm to the Green Belt and any other harm to constitute a very special circumstances argument. It is not therefore considered that in the event of a shortfall of deliverable sites for housing that such a scenario would justify the proposed development. Clarification has therefore been provided that unmet need should not necessarily justify Green Belt development to meet the need and that if Green Belt sites are released for housing this is best achieved through the plan making process. Furthermore the proposed scheme would fail the test of the presumption in favour of sustainable development in meeting this need. What is proposed are large detached and semi detached houses set on relatively generous plots and this is not a sustainable way to meet housing need on Green Belt sites.

#### Affordable Housing

No affordable housing is proposed on site. The applicant has explained that this is in accordance with the wishes of the local people following consultation:

A viability assessment was submitted and was appraised by the consultants, Kift Consulting, the initial appraisal indicated that the development would provide a surplus of in excess of £3 million but further cost information was submitted by the applicant and following a further appraisal the Consultants have concluded that the scheme as proposed (based on the information provided) has a potential surplus of £913,000 which can be used towards the provision of affordable housing.

Local Plan Policy seeks the provision of affordable housing on "all suitable development sites". Given that it is clear that the site can be developed in a way that will result in a surplus for affordable housing it is considered that that provision should be made on site. This would require the submission of an alternative scheme with incorporation of suitable sized/designed dwellings, but it is considered that a suitable layout which would not be harmful to the character of the area could be developed.

Advice from the Director of Communities (Alan Hall) was sought and the following comments were received:

*As you are aware, our Local Plan states quite clearly that, in the first instance, applicants should, if at all possible, meet the Council's affordable housing requirements for developments on site (rather than in the form of a financial contribution). Therefore, in view of the large surplus that has been identified by KCL, it is my recommendation that planning permission for the submitted scheme be refused on the grounds of:*

*(1) Insufficient affordable housing provision, when it is considered by the Council to be viable to do so; and*

*(2) In view of (1) above, no affordable housing is proposed on-site.*

*If the site is considered suitable for development in all other respects, the applicant may want to consider submitting a revised proposal, using the surplus from the development to fund an appropriate amount of on-site affordable rented housing within a redesigned scheme.*

The applicant has subsequently offered to provide a total of £1 million for the provision of affordable housing elsewhere and has asked that the additional £87K be counted towards the Very Special Circumstances, this is not an argument that we would wish to see accepted as it would set a precedent for all developments in the District in the future. The problem is that the difficulty in providing affordable housing is not necessarily funding but the shortage of suitable available sites.

The fact that local people do not want affordable housing on the site is not grounds to approve the application contrary to policy. This could be repeated throughout the District with the result that no affordable housing will be achieved, which is not tenable given the high need for such housing.

The Director of Communities reiterates, “ *we do not generally have a problem funding affordable housing, since housing associations can get funding from the HCA - our problem is the lack of available sites*”

#### Total Garage Site

The applicant has sought through negotiation with the Parish Council to link this proposal to the approved development of 6 small properties on the former Total Garage site at the crossroads in Nazeing, which is owned by the Parish. The intention is that this site which is currently in danger of not being developed and resulting in a significant financial drain on the Parish Council could provide additional relatively low cost housing (albeit not “affordable” in planning terms) in a sustainable location. It may be possible to tie this into a section 106 agreement should the Parish Council be willing to enter into an agreement to sell the site for the stated sum of £750K, (which the applicant states is significantly above its current market value) The agreement would need to include a clause that the approved 6 house development be commenced within 12 months of the grant of planning permission for the Chimes site and that the dwellings are completed before the first occupation of any of the dwellings on the Chimes site. This would ensure that the central Nazeing site is not left undeveloped and an eyesore.

Whilst this would be welcomed, it does not meet the need for genuinely affordable housing and does not overcome the need for affordable housing to be provided within the application site.

The offer to buy the garage site from the Parish Council supersedes the earlier offer from the applicant (referred to in the comments from the Parish Council) to give the Parish Council £150K

#### Flood Risk.

Most of the site lies within the Environment Agency’s (EA) Flood Zone 2, the remainder, 6 plots adjacent to the River Lee Navigation, is within Flood Zone 3.

The NPPF seeks to ensure that new development is directed towards those sites that are at least risk of flooding. Within Flood Zone 2 the Government Guidance and the EA standing advice requires that proposals of this kind need to pass a “Sequential Test” that is, the Local Planning Authority needs to be satisfied that the development could not be provided somewhere else that has a lesser risk of flooding. Once the Council as part of the Local Plan process has a Strategic Flood Risk Assessment (SFRA) in place it will be a simpler matter for planning officers to assess this. The SRA will identify those flood risk areas which have passed the sequential test and within which development may be accepted.

At the moment however we do not have an SFRA in place. Therefore each application received for development within Flood Zones 2 and 3 needs to be accompanied by a sequential test. This needs to demonstrate to the satisfaction of the LPA, that there is nowhere else (within an area to be defined by the District) which is at lesser risk of flooding and which is available and deliverable (suitable in planning terms) for a development of the type proposed. Given that most of the land within this District is open Green Belt and is therefore not suitable for housing development, there are relatively few such sites of equivalent size in the District. The Applicant initially submitted a report that indicated that there were no such sites within the Nazeing area, however given the scale of the development and that no argument regarding a specific Local need for this kind of housing development had been put forward, officers considered that a District Wide search was more appropriate. A revised sequential test document was submitted on the 8th of January, which does indicate that no such sites are readily available and deliverable and on balance therefore it is considered the area of the site within Flood Zone 2 meets the sequential test. No justification however has been given for the location of 6 dwellings within that part of the site which is in the Flood Zone 3 (which is the higher risk of flooding) To allow dwellings in this location the development also needs to pass the "Exceptions Test" The NPPF states at Para 102

"If following application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones of lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA if one is available, and
- a site specific FRA must demonstrate that the development will be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere, and where possible will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated and permitted "

Whilst it is accepted that the submitted Flood Risk Assessment indicates that the development can be safe and will not increase the risk of flooding elsewhere (subject to imposition of conditions) it is not accepted that the development of these 6 houses in Flood Zone 3 (or indeed the development taken as a whole) provides wider sustainability benefits to the community that outweigh the flood risk. On that basis the development fails to accord with the advice within the NPPF and is therefore contrary to National Policy.

### Contamination

More than half of the application site (the whole of the southern element of the site and part of the northern element) is a landfill site and therefore there are significant dangers of landfill gases, risk of settlement and soil contamination. The applicant was advised of this and has provided a very low level survey of the site which fails to adequately quantify the risks. The advice of the Contaminated Land officer is that such sites should not normally be developed for housing,

Policy RP4 of the adopted Local Plan states:

*The Council will not grant planning permission for the development or reuse of land which it considers likely to be contaminated unless:*

- (1) prior tests are carried out to establish the existence, type and degree of contamination and*
- (2) if contamination is found, appropriate methods of treatment and monitoring are agreed with the council, pollution authorities and water companies; and*
- (3) the agreed methods of treatment include measures to protect or recreate habitats of nature conservation interest.*

In the absence of detailed information the Council would need to be satisfied that the site could be safely developed before planning permission can be granted. In the worst case scenario this would mean that all the waste would need to be dried out and then removed to a depth of about 6 metres, exported to an alternative landfill site and replaced with clean/screened material soil. This is a major piece of remediation and would need to be carried out by an appropriate "Competent Person", to ensure that there are no adverse environmental impacts from such works. The removal of water from the site has the potential to result in subsidence on adjacent sites as the area contains peat beds and all this needs to be factored into the cost of the development.

The applicant has an estimate from a haulage/recycling company, for the removal of ground water to an authorised disposal site. The proposal would remove approx. 240,000 gallons of water from the site over a 12 week period (pumped into a holding tank and removed) at a cost of £168,000 excluding VAT. A further statement estimates costs for breaking up the existing hard surface and removing the waste itself and for the remediation with clean materials is between £200K, and 250K and a 12 week timescale has been suggested.

The applicant has concluded on this basis that such worst case scenario works will be feasible and cost effective. Officers have no expertise in this area and the only way to check these figures would be to employ a consultant to verify the method statement and costings. If members should seek to grant consent for the development then the advice is that ideally the suggested method and costings should be checked by a suitably qualified consultant before permission is given and, in addition, all the standard contaminated land conditions will need to be attached to the planning permission to ensure that risks are minimised.

Members should be aware that should the costs of remediation exceed those suggested then this could result in a later submission that the development is not actually economically viable, and the affordable housing contribution may then be difficult to retain.

Finally the advice is that whilst technically it may be possible to cover all eventualities it is not good practice to allow residential development on such landfill sites.

### Layout and Design

The proposed development of detached and semi detached houses has a logical and attractive layout with 4 small cul-de-sacs off a central spine road, the design of the dwellings is varied creating an interesting streetscene and although the development is not entirely in accord with the Essex Design guide principles it is considered reasonably appropriate to this area, adjacent to relatively low density developments.

The development has been carefully designed to minimise inter overlooking between properties and to ensure that adequate parking and amenity space is available for the dwellings.

The density proposed is relatively low and there is scope for a higher density, to make better use of the site to help meet future housing need, but it is accepted that a *significantly* higher density may not be appropriate for this edge of settlement site.

### Impact on Neighbouring Amenity

The proposed dwellings are all located sufficient distance from existing properties not to result in excessive loss of light or any significant loss of outlook. Whilst the rear elevations of some of the new dwellings do face towards the sides of properties in Great Meadow and Riverside Avenue the siting is such that there is no direct overlooking into windows. There will be some overlooking of the rear garden areas of properties but the distances to the private amenity areas are considered to be sufficient that there will not be a significantly harmful loss of privacy, in addition boundary

planting is proposed that will reduce the perception of overlooking. The proposal is considered to be acceptable in this respect.

### Archaeology

The Archaeology section of Essex County Council were consulted and have suggested conditions to ensure that any archaeological deposits can be properly investigated and recorded. They state:

*The Essex Historic Environment (HER) Record shows that the proposed development lies within area with archaeological potential. The underlying gravels date to the Middle-Early Upper Palaeolithic period, in addition the contamination survey has identified the presence of Arctic peat beds. There is therefore the potential for the presence of palaeoenvironmental evidence relating to the earliest phases of human occupation in the area. However the impact of the proposed development on the archaeology is as yet an unknown quantity, as is the degree of disturbance associated with gravel extraction and land-fill on the site. Archaeological deposits and features are both fragile and finite, and this recommendation is made in line with National Planning Policy Framework.*

### Ecology

A preliminary ecological appraisal was submitted with the application which identified a need for a follow up reptile and newt survey, and a bat emergence survey. A reptile and newt survey has been submitted and this indicates that the southern part of the site provides a suitable habitat for reptiles. Grass snakes were found but it would be expected also that slow worms and common lizards may be present. As such mitigation measures would be required should permission be granted, to ensure that reptiles are removed to an appropriate receptor site to avoid any reptiles being killed or injured. Conditions can be imposed to secure this and in addition it is an offence to harm protected species. No great Crested Newts or amphibians were found at the site.

A bat emergence survey was also carried out and this indicates that there are no bat roosts within the site but that the site and surroundings are used for foraging. Mitigation measures are suggested and can be required by condition should the application be approved.

### Highways and Parking

The proposed development takes its access from Old Nazeing Road, via a private access track that runs past the property known as Nazebourne. This is a narrow access. The initial application drawing included proposals for works, at the junction of the site, to improve it, but this is outside the application site and outside the ownership of the applicant and these works were subsequently removed from the application drawings for clarity. Despite this, given the previous use of the site and the potential traffic movements that the authorised use could generate the access is considered to be suitable and appropriate for the development now proposed. The submitted transport statement indicates a reduction in traffic movement and HGV movements in particular.

The Highways officer from Essex County Council provided the following comments

*Further to the receipt of additional information within the amended Transport Statement the applicant has overcome the Highway Authority's previous issues with regard to pedestrian safety into the site.*

*The proposed development will generate less traffic than the existing use and will reduce movement of HGV's and service vehicles to the site to the benefit of all users of the highway. The*

*access onto Old Nazeing Road has adequate visibility and there have been no recorded accidents at this location in the last 5 years.*

*Consequently the Highway Authority has concluded that the proposed development will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network*

Adequate space is provided on site for the parking of both residents and visitors in accordance with the adopted car parking standards.

### Education Contribution

As the proposed dwellings are family houses the Education Authority were consulted with regard to the provision of education spaces. The site falls within the priority admissions area for Stewards Academy and it is clear that additional provision will be needed at that school, in addition the school is in excess of the statutory walking distance from the site and ECC is obliged to provide free transport to the school resulting in a long term cost to the County. The cost is estimated at £3.90 per pupil per day for 195 days per year. It is best practice for the County to seek costs for a 5 year period. As such the County request that should planning permission be granted for the proposal a contribution of £141,530 towards secondary school provision is required together with a sum of £32,702 towards school transport. Both amounts would be index linked to April 2014 costs. This can be required by Section 106 agreement.

The County advises that should the Council be minded to refuse the application the lack of such contribution should be noted as an additional reason for refusal so that it can be taken into account on appeal.

According to forecasts there should be sufficient early years and childcare provision and primary school provision to meet the needs of the development.

### Impact on the Lee Valley Park

The LVRPA has objected to the proposal for the reasons set out above. The Green Belt consideration has already been addressed. With regard to the impact on the landscape of the park, there will be some visual intrusion within the southern part of the site, which does impact but it is not considered that this has a significant impact on the use of the park for recreational purposes. The design of the scheme incorporates additional planting and given the existing backdrop of residential development it is not considered that the harm would be so great as to warrant refusal.

The ecological issues have been addressed above.

### Sustainability

The site is not particularly well served by local facilities and public transport, the shops in Nazeing are about 1.5km away and there is no secondary school within walking distance, however it is accepted that this is not an isolated location. Ideally sites of this kind should be identified through the Local Plan process to ensure that adequate infrastructure can be factored in and the most sustainable locations developed first.

### Conclusion

In conclusion it is considered that the development has some merits, it will provide good quality attractive housing close to the existing residential area of Nazeing. It will remove an existing

“problem” site which has had ongoing enforcement issues for many years and it is understood why many letters have been received giving support to the principle of residential development of the site. The applicant is offering to provide a significant contribution toward the provision of affordable housing elsewhere and to purchase another site from the Parish in order to enable the provision of the 6 approved dwellings on that site, with potential benefits to the centre of Nazeing. The design and layout of the scheme is acceptable and there will not be excessive harm to adjacent residential amenity. Whilst no improvements are proposed to the narrow access to the site, there will not be an increase in traffic over that which could be generated by lawful garden centre use. There will be some loss of ecological habitat but measures can be put in place to mitigate this.

However, the development will undoubtedly have a significantly adverse impact on the openness and character of the Green Belt, beyond that which currently exists, and is therefore inappropriate development. It fails to provide much needed, on site, affordable housing when there is no good reason not to provide it, and it is not accepted that the provision of monies to provide such housing elsewhere is appropriate, as alternative sites are not readily available. To accept this argument here would set a dangerous precedent which could seriously undermine the Council’s ability to achieve much needed affordable housing in the District. Finally the scheme includes dwellings within Flood Zone 3 contrary to the advice in the NPPF. The application is therefore recommended for refusal.

Although the applicant has offered to enter into a legal agreement to pay the required education contributions, in accordance with the advice from Essex County Council, as no such undertaking is currently in place this needs to be included in the reasons for refusal in order to ensure that if an appeal is lodged the matter is taken into consideration.

### **Is there a way forward?**

It is considered that the redevelopment of the northern part of the site for housing could be acceptable. This would avoid the Flood Zone 3 and most of the landfill site, and would be likely to be acceptable in Green Belt terms. Any scheme proposed should however include an appropriate element of affordable housing. It is accepted that this is not a location where high density housing would be acceptable but it is considered that a suitable development that respects the character of the area could be achieved.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Jill Shingler  
Direct Line Telephone Number: 01992 564106***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

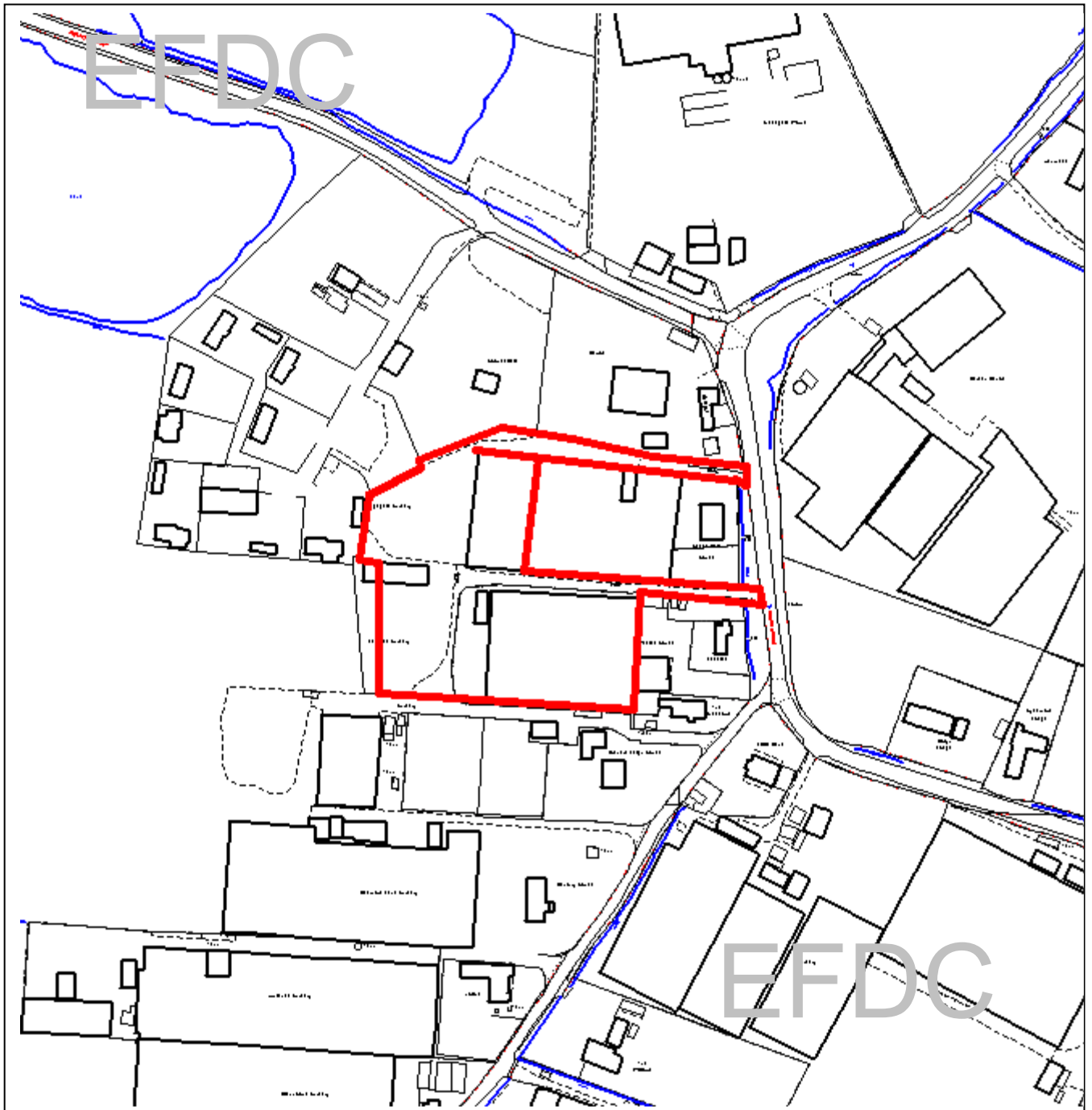


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# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/2319/14
Site Name:	Leaside Nursery, Sedge Green Nazeing, EN9 2PA
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2319/14
<b>SITE ADDRESS:</b>	Leaside Nursery Sedge Green Nazeing Essex EN9 2PA
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Lower Nazeing
<b>APPLICANT:</b>	P & L Properties
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing nursery/commercial buildings and erection of 17no. B1/B2/B8 commercial units with ancillary parking
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=568930](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=568930)

**REASON FOR REFUSAL**

- 1 The proposed scheme includes a B2 (General Industrial) use on the site. There are a number of residential properties in close proximity to the site and a B2 use would result in an unacceptable loss of amenity to these properties and would therefore be contrary to the National Planning Policy Framework and policies DBE9 and RP5A of the adopted Local Plan and Alterations.
- 2 No Sequential Test has been submitted and agreed regarding the use of this site for a vulnerable development within Environment Agency Floodzone 2. As such, there is no justification as to why the proposed development cannot be located on any other site in areas with a lower probability of flooding and therefore the proposal is contrary to the guidance contained within the National Planning Policy Framework and policy U2A of the adopted Local Plan and Alterations.
- 3 The site is contaminated as a result of its previous uses. Insufficient information has been provided that the steps proposed to deal with the contamination would be sufficient to be successfully conditioned. In addition insufficient evidence has been provided to prove that the risk of groundwater contamination has been assessed and can be successfully remediated. Therefore the scheme would be contrary to the National Planning Policy Framework and policies U2A, RP4 and RP5A of the adopted Local Plan and Alterations.

*This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))*

### **Description of Site:**

The application site is located on the west side of Sedge Green and is accessed by a narrow track from this road. The site is located within the Metropolitan Green Belt, Lee Valley Regional Park and an area identified for new and replacement glasshouses on the proposals map under policy E13.

The site is an established horticultural nursery and contains glasshouses that cover a significant proportion of the site. Planning consent was recently granted for a temporary change of use of the two packing sheds to B8 storage use.

To the rear of the nursery is a permanent gypsy site and an area of open land and there are residential dwellings towards the front. To the north of the site is Sedgeway Nursery, which has now been incorporated into this site, and to the south is a neighbouring horticultural nursery. There is an unauthorised gypsy site on Sedgeway Nursery behind Sedgeway House, which is not on land subject of this application. This site is subject of ongoing enforcement action (we are awaiting the SoS decision on an enforcement appeal).

### **Description of Proposal:**

Demolition of existing nursery/commercial buildings and erection of 17 B1/B2/B8 commercial units with ancillary parking. The existing dilapidated glasshouses, ancillary storage buildings, 4 mobile homes (being used for agricultural workers and subject to an existing CLD), and two modern steel framed sheds will be removed from the site.

The 17 units will be arranged in three separate blocks, with one block of 3 bordering the Holmsfield gypsy site, a block of 5 units bordering the unauthorised gypsy site at Sedgeway and one block of 9 units bordering the southern boundary of the site. Each block would have parking in front, and a total of 68 spaces would be provided. The site will utilise a one way system with entrance from the north access and exit from the southern access.

The units will be of a modern design and will be one storey high at 4.0m with a monopitched sloping roof.

### **Relevant History:**

#### **Leaside Nursery:**

#### **Planning History:**

EPF/1888/05 - Erection of nursery packing shed and storage shed for boxes and crates – refused 31/01/06

EPF/1080/06 - Erection of one agricultural workers dwelling and erection of packing/ storage shed and erection of replacement glasshouses – refused 02/11/06

EPF/0432/07 - Replacement of greenhouse on footprint of existing and new storage and equipment store (including boundary hedge and landscaping) (revised application) – approved/conditions 08/08/07

EPF/1688/08 - Demolition of existing packing shed, plant room and nursery office. Erection of extension to approved glasshouses and erection of facilities building incorporating replacement packing shed and office and staff welfare facilities including canteen, washroom and first aid room – approved/conditions 03/11/08

EPF/2215/09 - Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room. (Revised siting of building approved under planning permission EPF/1688/08) – approved/conditions 08/01/10

CLD/EPF/0172/11 - Certificate of lawful development for the stationing of one caravan for use as a nursery office with occasional overnight accommodation in association with the lawful horticultural use of the site – lawful 23/03/11

EPF/0082/12 - Variation of condition 11 of EPF/2215/09. (Erection of facilities building incorporating replacement packing shed and office and staff welfare facilities, including canteen, washroom and first aid room.) to retain existing buildings until construction of new glasshouses commences – refused 07/03/12

CLD/EPF/0265/12 - Certificate of lawful development for proposed siting of three caravans for seasonal workers – lawful 11/05/12

EPF/1819/12 - Change of use of nursery buildings to class B8 storage use – approved/conditions 10/01/13

EPF/2299/13 – Variation of condition 5 and 7 on EPF/1819/12 – refused

EPF/0200/14 – demolition of existing nursery and commercial buildings and erection of 17 B1/B8 commercial units with ancillary parking - withdrawn

### Enforcement History:

ENF/0134/08 – Development of site as gypsy caravan site – No evidence found of this.

ENF/0507/10 – Unauthorised building erected – Those granted consent under EPF/1688/08 and EPF/2215/09).

ENF/0508/10 – Change of use for oil recycling business – Breach found however ceased as a result of investigations.

ENF/0509/10 – Change of use for car repairs – Breach found however ceased as a result of investigations.

ENF/0510/10 – Stationing of two mobile homes – One caravan lawful (see CLD/EPF/0172/11), other removed as result of investigations.

ENF/0511/10 – Use of packing shed for importation of unauthorised goods – Breach found however ceased as a result of investigations.

ENF/0689/11 – Condition of EPF/2215/09 not discharged – Application invited (EPF/0082/12).

ENF/0697/11 – Unauthorised caravan on site – Caravan considered lawful under CLD/EPF/0172/11.

ENF/0698/11 – Two caravans on site and used for habitation – Only one caravan on site (previously considered lawful under CLD/EPF/0172/11).

ENF/0032/12 – Breach of condition on EPF/2215/09 requiring removal of existing packing sheds – Ongoing as EPF/0082/12 was refused.

ENF/0070/12 – Three more caravans stationed on site – Use lawful (see CLD/EPF/0265/12).

ENF/0170/12 – Unauthorised change of use of agricultural building – Buildings are empty and no apparent breach taking place.

ENF/0524/12 – Buildings at rear being used for non-agricultural use – Packing sheds had agricultural items stored in them and no evidence was found of non-agricultural use.

### Sedgegate Nursery:

#### Planning History:

EPF/0943/95 - Continued use for storage and distribution of plant containers and production, maintenance and storage of interior plant displays – refused 30/01/96 (dismissed on appeal 23/10/96)

EPF/0036/05 - Car park spaces and storage of agricultural vehicles in conjunction with growing use of greenhouses – refused 01/07/05

CLD/EPF/1391/10 - Certificate of lawful development for an existing use for vehicle repairs – not lawful 28/11/11

EPF/0374/11 - Demolition of existing glasshouses, erection of replacement glasshouses, erection of packing shed and storage building – refused 28/04/11

EPF/1283/11 - Demolition of existing glasshouses, erection of replacement glasshouses and erection of packing shed (revision to application EPF/0374/11) – approved/conditions 16/08/11

EPF/2282/12 - Retrospective change of use of premises for the restoration and renovation of motor vehicles for hobby purposes – refused 12/02/13

EPF/1060/13 - Change of use of land for stationing of caravans for occupation by Gypsy/Traveller families with ancillary works (demolish two rows of glasshouses, fencing, portacabin amenity blocks, hardstanding and septic tank). Part Retrospective – refused 24/07/13

EPF/1312/13 - Use of land to park vehicles from units on to Sedgigate Nursery from Leaside Nursery – approved/conditions 26/09/13

#### **Enforcement History:**

ENF/0015/96 – Change of use from agriculture to plant operations – Notice served

ENF/0065/98 – Use of land for making & storage of pallets – Enforcement appeal dismissed, notice upheld – 22/06/99

ENF/0105/06 – HGV's on site, car repairs – Use ceased following refusal of EPF/0036/05

ENF/0701/06 – Use of land at nursery as depot for scaffolding firm and builders yard. Use of glasshouse for general industrial purposes – ongoing

ENF/0442/09 – Change of use agricultural to training centre, storage business and interior landscaping business – No breach found

#### **Policies Applied:**

CP1 – Achieving sustainable development objectives

CP2 – Protecting the quality of the rural and built environment

CP3 – New development

GB2A – Development in the Green Belt

DBE9 – Loss of amenity

RP4 – Contaminated Land

RP05A – Potential adverse environmental impacts

E13A & B – Glasshouse Policy

ST4 – Road safety

ST6 – vehicle parking

E13B – Glasshouses

U2A – Flood zones

U2B – Flood risk assessment zones

RST24 – Lee valley regional Park

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### **Consultation Carried Out and Summary of Representations Received:**

16 neighbours were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object, new buildings in the MGB and within LVRP, increase in traffic nuisance to local residents and release of potential contamination of soil from previous infilling.

ENVIRONMENT AGENCY – Object (see below for full explanation)

HIGHWAY AUTHORITY – No objection (see below for full explanation)

LEE VALLEY REGIONAL PARK – Object, B1/B2/B8 uses not compatible with the Park and Green Belt

LEASIDE – Object, should remain as a nursery, harm to Green Belt, vehicle access unsuitable, will be noisy and busy and would be unsightly.

BELCHER MOTORS – Object, unacceptable in Green Belt area, entrance onto Leaside has civil court orders on it, access to site is disputed, massive ugly steel buildings will be unsightly, vehicle movement will cause disturbance.

SEDGEGATE HOUSE – Object, not suitable on highways grounds, not appropriate for the area and unsafe for children.

### **Issues and Considerations:**

This site has had a long and at times contentious history. In this case the scheme is to radically change the site from its current mixture of uses and areas of dereliction to a small scale industrial park. The site is within the Green Belt, Lee Valley Regional Park, a flood zone (partial), is contaminated, is in a designated glasshouse area and there are neighbouring dwellings and Highway issues to consider.

This is a resubmitted application after EPF/0200/14 was withdrawn by the applicant after discussions with Officers. The current scheme has been further amended to remove two units and reduce the height of the buildings from 6.5m to 4m with a sloping monopitched roof for all three blocks. The applicant has also provided more information on the flooding and contaminated land aspects of the scheme.

### **Green Belt**

While the site is in the Green Belt and the LVRP, the current uses, condition and appearance contribute nothing positive to either. In its current state the site satisfies none of the five purposes of including land in the Green Belt (para 80 of the NPPF), although by virtue of Annex 2 part of the site cannot be defined as previously developed land.

The part of the site that is previously developed land (PDL) is subject of a B8 use with 2 large storage sheds and associated parking. Redevelopment of this area would not be inappropriate development within the Green Belt, but would need to be assessed in terms of the new development's impact on the openness and character of the Green Belt compared to the existing buildings and uses.

This area of PDL covers about a third of the total site. The sheds would be removed and three blocks of units erected, each a maximum of 4m high. The current sheds have a footprint of 504 square metres. The new blocks would have a footprint of around 3700 square metres. This is an increase of 740% in the footprint of whole site. (it should be noted that the footprint of the glasshouses to be demolished is a further 3170 square metres, but they do not fall under the definition of PDL). For the purpose of this site it is fair to take a third of the new built form to see the increase on the PDL site – this would be 1200 square metres, an increase of 240% in built form.

The scheme has been revised, but the removal of two of the proposed units from the scheme has little impact on the footprint issues (although this allows more space for landscape planting and reduces the parking required). However, the scheme has seen a very significant reduction in the height of each unit from 6.5m to a maximum of 4m which needs to be taken into account in any assessment.

Therefore, whilst the reduction in height and volume are welcomed, the increase in the built form in area would still be considerable and would have a harmful effect on the openness of the Green Belt in this area which would be contrary to policy GB2A. Therefore it would need to be considered whether there are any very special circumstances in this scheme which would justify a grant of approval. These will be considered as part of the assessment below.

With regard to the two thirds of the site which is not PDL this is the nursery site which has the two disused glasshouses, ancillary buildings and the agricultural workers' mobile homes. The proposed new buildings and use would be inappropriate development within the Green Belt, by definition harmful, and therefore very special circumstances (VSC) are required to justify the grant of permission. The applicant argues that the VSC are:

- 1) Visual enhancement of the site
- 2) Existing commercial uses
- 3) New employment floor space

1) With regard to the visual aspects issue, it is correct that the two dilapidated nurseries would be removed. However, these are not inappropriate development and due to their largely glass construction are not visually intrusive within the area, although it is accepted that they add nothing to the amenities of the area in their current state. The existing storage sheds are of a considerable size and higher than the proposed units and of little visual merit. The revised scheme has significantly lowered the height of the 3 proposed blocks, which would increase the built form of the site and change the appearance of the glasshouses to modern blocks with a similar height of the glass. It is also the case that there is now more room for a landscaping scheme to be implemented, and this can be conditioned, which would enable significant softening and screening of the impact on the site. It is also accepted that the site would have a more tidy and ordered appearance than the very run down appearance of the current site, and outdoor storage would be able to be conditioned. The removal of the mobile homes and the various run down smaller buildings, and the proper surfacing of the internal access roads are all positive gains for the site in terms of openness and appearance. It is considered that when assessing the benefits against costs of this case that the decision is, whilst balanced, in favour of the revised scheme in terms of the visual enhancement of the site for the reasons above.

2) The existing commercial uses occupy a third of the proposed site. The applicant argues that developing this part of the site with 3 blocks of units would not have a materially greater impact on the openness of the Green Belt. The proposal occupies more of the site than the third which is currently used for B8 uses, but the revised scheme has reduced the mass, bulk and height of the proposed blocks and it is considered that whilst these would have a greater impact on the openness of the Green Belt than the existing buildings in terms of footprint, this reduction of the height and bulk of the revised scheme would on balance not adversely affect the openness of the Green Belt in this location. It should also be noted that the site is surrounded by built development and uses which in themselves do not contribute to the openness of the Green Belt. It is fair to argue that this is a damaged area of the Green Belt and this scheme would not have a further adverse impact on it and indeed would make a positive contribution to the character and appearance of the area and to a positive use of the land with appropriate landscaping. Additionally conditions would be able to be placed on the whole site regarding hours of working etc which would be an advantage, given there is no such controls on some current lawful activities.

3) Employment floor space, it is lastly argued, would meet the aims of the NPPF in regard to economic growth, and, further argued, help offset the loss of other local employment units at sites such as Stoneshot Farm and Chimes. It is acknowledged that employment is one of the aims of the NPPF, but so is the preservation and enhancement of the Green Belt. In this case there is a clash between the two aims, and also the importance of the Green Belt must be balanced against the economic argument. As explored above, it is considered that there is a case that the scheme



would not cause significant or adverse harm to the openness of the Green Belt on this site in this specific location. It is accepted that the scheme would assist with economic growth and be in line with the NPPF at paragraph 19 and 28 and would provide welcome employment prospects in the Nazeing area.

However, it is noted that the other commercial sites cited are also subject of applications for housing which have not been determined, and furthermore, the Chimes site (subject of a planning application for redevelopment elsewhere on this agenda) is subject of an active enforcement investigation to clear the site of activities subject of enforcement notices.

### *Green Belt Conclusion*

The Green Belt issues are finely balanced. There is an increase in the built form, especially in footprint, but the height of the units has been reduced significantly, part of the site is PDL and so redevelopment is not inappropriate, part of the site has glass on it which is not PDL, but is run down and derelict and has little chance of reuse for horticulture (see below), there are benefits to the redevelopment of the site in terms of visual appearance, landscaping and employment. It is considered that the scheme does provide very special circumstances which outweigh the in principle harm of developing on that part of the site deemed to be inappropriate development and the overall scheme does not harm the character of this part of the Green Belt.

### *Glasshouse Policy*

The site is subject to Glasshouse Local Plan policies E13A and E13B, which still apply, but the Lea Valley Growers' Association has earlier acknowledged that this nursery and the adjoining Sedgigate Nursery are no longer viable. The Gould study did not look at this site in any detail, but it was included in the much wider Sedge Green Glasshouse area where continuation of use for glasshouses was recommended. The new Local Plan is likely to move away from the designated areas approach towards criteria-based policies (including considering alternative uses for derelict or unviable sites), but this is a long way from formal policy at this stage. However, it is reasonable to look at alternative uses of such sites.

It is very unlikely that the previous uses (mainly glasshouse horticulture) can be resurrected to bring about an improvement to the site – the Lea Valley Growers Association has accepted that Leaside and the adjoining Sedgigate Nursery are finished and, indeed, effectively derelict. The costs of returning the site to a condition where it can be put to beneficial uses rule out those more appropriate to its Green Belt or LVRP location. The only potentially viable options would therefore appear to be residential or commercial uses. Given the semi-industrial appearance of much of the locality, and the frequency of HGV movements, this is not a suitable site for residential use.

Local Plan and Alterations policies are therefore of low relevance in guiding productive future development and use of the site. Although the Glasshouse Industry Study (2012) – now part of the new LP Evidence Base – recognised the wider Sedge Green area as significant for the concentration of glasshouse activity and supports continuation and expansion of the industry in this area, the Study did not analyse individual sites or holdings to assess their current use or condition, or their likely viability.

The most appropriate policies to guide the future use of this site are paras 19, 28 and 81 of the NPPF. The first two deal with supporting economic growth generally and more specifically in rural areas, and the third requires local authorities to plan positively to (inter alia) improve damaged and derelict land. In these circumstances there are no policy objections to the principle of the proposed redevelopment of the site.

### *Lee Valley Regional Park*

The Park Authority has forcefully objected to the scheme as the site lies within the Regional Park and the Metropolitan Green Belt. The proposed B1/B2/B8 commercial uses are not compatible with the statutory remit of the Park as set out in the Lee Valley Regional Park Act 1966, and are not compatible with the Metropolitan Green Belt. However, the Council has to weight these objections against the other factors in the application. Due to its location, the details of the proposed scheme, and the surrounding built environment it is considered that the scheme would not be contrary to local plan policy. Whilst ideally the land should be returned to open uses, there is no indication from the park authority that they plan to purchase the land for recreation and as such it is unreasonable to expect development on such a site not to take place based on their objection.

### Contamination and Water Pollution

The site is shown as heavily contaminated. In spite of a dialogue between the applicant and the Council's Contamination Officer, insufficient evidence has been provided that the steps proposed to deal with the contamination would be sufficient to be successfully conditioned.

The Environment Agency has commented "*The applicant should provide information to satisfactorily demonstrate that the risk to groundwater has been fully understood and can be addressed through appropriate measures. This information should be included within a preliminary risk assessment*". No preliminary risk assessment has been provided with this scheme (PRA). The applicant has argued the following:- that a prior application in 2011 had a PRA (but this has not been submitted with this current application) and that the site can be suitably decontaminated and this can be conditioned in any grant of permission. The Council's contaminated land officer disagrees with this stance as does the EA, both of whom require evidence that the site can be successfully decontaminated etc.

Therefore the application does not meet the requirements of U2A, RP4 and RP5A.

### Flooding

The application site is partially located within an Environment Agency Floodzone 2 and is classed as a "less vulnerable" development, and as such a Sequential Test is required for the proposal.

The proposal is clearly a development that requires a Sequential Test as stated within the *Technical Guidance to the National Planning Policy Framework* (March 2012) and the NPPF clearly states within paragraph 101 that "*the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding*".

The application site is a very constrained site where the proposed development is 'in principle' inappropriate due to the Flood Zone, Green Belt, E13 and LVRP designations. The Sequential Test for this proposal should have been undertaken District wide. Given the above constraints, any site with fewer constraints than the application site would theoretically be 'more appropriate' than this site. As such, it is highly likely that there are reasonably available sites for the proposed development in areas with a lower probability of flooding, and no justification/assessment of these has been submitted to prove otherwise. As such, the lack of the Sequential Test is contrary to the guidance contained within the NPPF and Local Plan policy U2A. Although a flood risk assessment has been submitted with the application, this fails to overcome the above concerns.

The Environment Agency have objected and stated "*The ministerial statement by Nick Boles makes it explicitly clear that all councils need to consider the strict tests set out in national policy, and where these are not met, new development on flood risk sites should not be allowed*".

*They have further commented "The applicant can overcome our objection by providing revised evidence that the Sequential Test has been completed and demonstrate that there are no reasonably available alternative sites in areas with a lower probability of flooding that would be appropriate for the type of development proposed. This area of search should be agreed in advance with yourself".*

The applicant has further stated "According to the flooding maps on the EA's web site the application site falls within Flood Zones 1 & 2. The application site is therefore less at risk from flooding than if it were located in Flood Zone 3a and on this basis the proposed development would clearly pass the Sequential Test".

The EA have responded that the only way for the applicant to demonstrate the development has passed the sequential test is by showing there is nowhere else in the district it could reasonably be located. This has not been done.

Therefore the application does not meet the requirements of U2A.

### Highways

The scheme would see the existing two accesses to the site utilised to create a one way system, with access adjacent to Sedge Gate House and egress adjacent to Lee Side House. The Highways Authority has commented as follows:-

*"The proposal will regulate the use of the site to the benefit of all highway users. The introduction of a one-way system will utilise the better egress access to the south, which has appropriate visibility for the speed of the road. Furthermore, in the Highway Authority's experience, small unit developments usually attract less HGV movements with most trips being undertaken by van. The traffic impact of this development will have a negligible impact upon the highway in the locality and on the wider strategic network. Consequently the proposal will not be detrimental to highway safety, capacity or efficiency".*

With this guidance, it is considered that there are no highway justifications to refuse planning permission.

### Neighbour Amenity

There are a number of residential properties adjacent to the site, including the Traveller site to the west. Whilst it is considered that a B1 by definition and B8 use, because they currently exist on the site and controlled by conditions, these would not have an adverse affect on the neighbours. However, the proposed B2 uses would not be acceptable due to the negligible distance to the boundaries of these noise sensitive properties and B2 is a general industrial use, which would cause disturbance to the local residents living in close proximity to the site. This would be contrary to policy DBE9 and RP5A. It is not considered that planning conditions would overcome this harm.

### **CONCLUSION:**

The scheme has been revised. It is considered that the new scheme has, on balance, overcome the Green Belt issues, provides for appropriate landscaping and is acceptable in highways terms. However, there are problems remaining with the proposed B2 uses, the flooding issues and the contamination and groundwater contamination which result overall in the scheme being unacceptable. This scheme is recommended for refusal.

### **Is there a way forward?**

A scheme which removes the B2 element and with the contamination and groundwater issues may be acceptable. However, it is the case that the flooding issues are very significant and would currently rule out any further development on this site.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Jerry Godden  
Direct Line Telephone Number: 01992 564498***

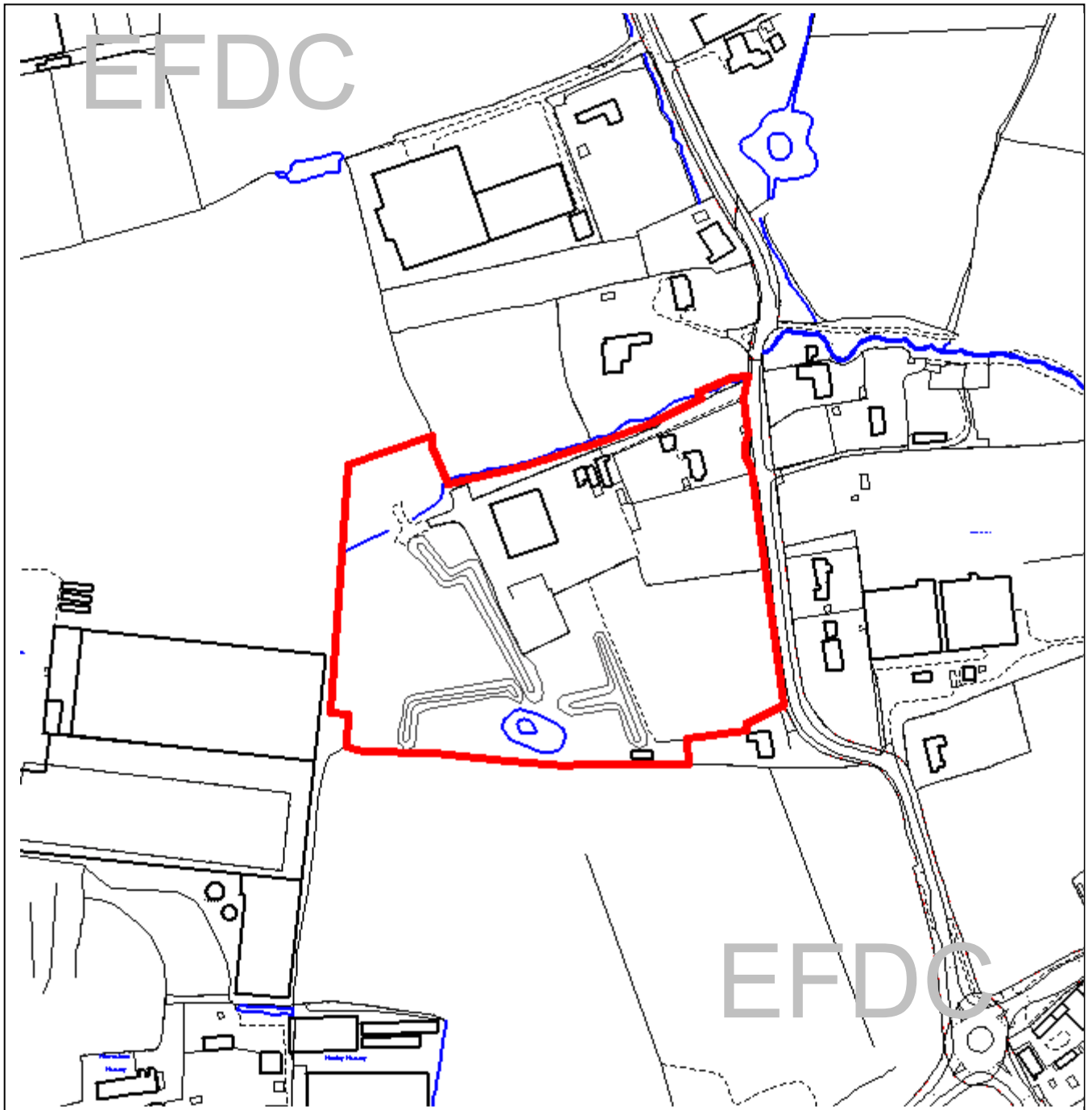
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/2535/14
Site Name:	Land at Barnfield, Epping Road Roydon, CM19 5DP
Scale of Plot:	1/3500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2535/14
<b>SITE ADDRESS:</b>	Land at Barnfield Epping Road Roydon Essex CM19 5DP
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Nationwide Metals Recycling Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. 4/5 bed detached dwellings and 11 no. affordable houses (6 x 2 bed & 5 x 3 bed) - (Revised application to EPF/0632/14)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=570130](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=570130)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 11212-S001, 11212-S002, 11212-P100-A, 11212-P101, 11212-P005-A, 11212-P006-A, 11212-P007-A, 11212-P008, 11212-P009-A, 11212-P010, 11212-P011
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Additional drawings that show details of proposed new windows, doors, eaves, verges, fascias, and cills, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no extensions or outbuildings generally permitted by virtue of Class A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance plan shall be carried out in accordance with the approved schedule.
- 9 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 10 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 11 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 12 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and



approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 13 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

Reason:- To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the guidance contained within the National Planning Policy Framework and policy RP4 of the adopted Local Plan and Alterations.

- 14 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that

follows]

- 15 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 16 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 17 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 18 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 19 No bonfires shall be permitted on site throughout the demolition and construction phase of the development.
- 20 Prior to first occupation of the proposed development the following highway works and access to the site shall be implemented, as shown in principle on drawing no.11212-P100 Rev A, with all details being agreed with the Highway Authority to include:
  - 2.4 metre x 120 metre visibility splay clear to ground level to the south of the new access.
  - 2.4 metre x 65 metre visibility splay clear to ground level to the north of the new access.
  - The provision of a bellmouth access with minimum radii of 6m.
  - All footways to be a minimum of 1.5 metres wide.

- The junction to the affordable housing shall be provided with, in either direction, 2.4m x 25m visibility splays clear to ground level.
- 21 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, to be approved by Essex County Council.
  - 22 Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to the Local Planning Authority.
  - 23 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
  - 24 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  - 25 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

**And the completion by the 11<sup>th</sup> March 2015 (unless otherwise agreed by Planning Performance Agreement) of a legal agreement under section 106 of the Town and Country Planning Act to secure a financial contribution of £167,942 towards primary and secondary school provision and to secure 48% affordable housing. In the event that the developer/applicant fails to complete a Section 106 Agreement within the stated time period, Members delegate authority to officers to refuse planning permission on the basis that the proposed development would not comply with Local Plan policies regarding the provision of affordable housing and that it would cause harm to local education services by generating additional demand that cannot be accommodated within existing capacity.**

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council function, Schedule 1, Appendix A.(d)) and since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

#### **Description of Site:**

The application site consists of a 4.4 hectare area of land on the western side of Epping Road. The site is located within the Metropolitan Green Belt and a conservation area and is in lawful use as a metal recycling and waste transfer station.

The area of the site proposed for development consists of an approximate 1.8 hectare section to the rear of the existing property known as Barnfield, which would be retained. The proposed development area constitutes the part of the site currently occupied by the waste transfer station. The southern and eastern areas of the site are currently relatively open and undeveloped parcels of land.

Bordering the site to the north is a residential property known as Merryweathers Farm and open fields. To the west is a large horticultural site containing glasshouses and other structures. To the east are detached residential dwellings and to the south are open fields. The application site is part of a small sporadic enclave of houses and commercial businesses (including horticulture) leading up to Old House Lane.

### **Description of Proposal:**

Consent is being sought for the removal of all existing commercial buildings, structures, storage containers and bunds and the erection of 23 dwellings with ancillary parking, access, gardens and landscaping. The existing dwelling at the front of the site would remain and would continue to use the existing access and the proposed new dwellings would be served by a new access and road to the south of the existing dwelling.

The proposed development would consist of five no. 4 bed open market houses, seven no. 5 bed open market houses, six no. 2 bed affordable houses and five no. 3 bed affordable houses. The proposed dwellings would all be two storeys in height with four of the affordable units incorporating rooms within the roof space.

Each of the open market houses would benefit from a double garage with ample additional off-street parking provision for two cars. The proposed affordable units would be served by 27 off-street parking spaces, which equates to 2.45 spaces per unit.

### **Relevant History:**

EPF/0761/90 - Retention of Plant Hire Depot, waste disposal centre, material recycling, vehicle & plant maintenance & repair – refused 05/10/90

CM/EPF/0006/94 - Reorganisation of existing waste transfer centre including widening entrance, additional office, undercover waste transfer station and landscaping works – withdrawn 24/04/96

EPF/0845/96 - Reorganisation of existing premises including entrance improvements, demolition of offices and stores, new storage building, conversion of stores to offices and landscaping works – refused 14/09/98

ENF/EPF/2167/00 - Enforcement Notice Quashed on Appeal 29 December 2000 - Planning Permission Granted (with Conditions) for Importation, storage and shredding of green waste, composting and open storage of finished product – appeal allowed with conditions 29/12/00

EPF/0632/14 - Clearance of all commercial buildings, structures, storage containers, bunds and the erection of 12 no. detached dwellings (11x 4-bed & 1x 5-bed) – withdrawn 21/10/14

### **Policies Applied:**

CP1 - Achieving sustainable development objectives

CP2 - Quality of rural and built environment

CP3 - New development

GB2A - Development in the Green Belt

H2A - Previously developed land

H3A - Housing density

H4A - Dwelling mix

H5A - Provision for affordable housing

H6A - Site thresholds for affordable housing

H7A - Levels of affordable housing

NC4 - Protection of established habitat

DBE1 - Design of new buildings

DBE2 - Effect on neighbouring properties

DBE4 - Design in the Green Belt

DBE6 - Car parking in new development

DBE7 - Public open space  
DBE8 - Private amenity space  
DBE9 - Loss of amenity  
HC6 - Character, appearance and setting of conservation areas  
HC7 - Development within conservation areas  
HC9 - Demolition in conservation areas  
LL1 - Rural landscape  
LL2 - Inappropriate rural development  
LL10 - Adequacy of provision of landscape retention  
LL11 - Landscaping schemes  
ST1 - Location of development  
ST4 - Road safety  
ST6 - Vehicle parking  
RP3 - Water quality  
RP4 - Contaminated land  
RP5A - Adverse environmental impacts  
U2A - Development in Flood Risk Areas  
U3A - Catchment effects

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### **Consultation Carried Out and Summary of Representations Received:**

14 surrounding properties were consulted and a Site Notice was displayed on 14/11/14.

PARISH COUNCIL – Object. The Parish Council agreed to support the previous smaller scale development (12 houses) but believes that this new application is overdevelopment of a site which is located in the Metropolitan Green Belt (although it is acknowledged that this is, in part, a previously developed site). This site is not a sustainable location – there are no facilities nearby and there would be an over reliance on the car to get to shopping facilities, schools, health services, employment sites etc. as the bus service is extremely limited.

#### **Main Issues and Considerations:**

The key considerations in this application are the appropriateness of the proposal within the Green Belt, the sustainability of the development, the impact on neighbouring residents, highway concerns, and regarding the impact on the character and appearance of the conservation area.

#### **Green Belt:**

The application site is a lawful waste transfer station that has been in existence for a number of years. The National Planning Policy Framework identifies that the erection of buildings within the Green Belt constitutes inappropriate development with a number of exceptions, which includes:

- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The definition of previously developed land is provided within Annex 2 of the Framework and reads:

**Previously developed land:** Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreational grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

Given the lawful use of the site for commercial purposes the application site would constitute previously developed (brownfield) land. However, as stated above, this does not mean that the entire curtilage of such sites can be developed and it should be noted that the southern and south-eastern sections of the site are currently open and predominantly undeveloped areas of land.

Notwithstanding the above, in order for this designation as brownfield land to form an exception to inappropriate development any proposed redevelopment must not have a greater impact on the Green Belt and the purpose of including land within it than the existing development.

The potential impact on the Green Belt covers many factors, including increased activity and type of use. However one of the key considerations is the impact on openness, which is largely reliant on the level of built development on a site. The existing site does not currently contain many permanent buildings, these being limited to a single large workshop and a small office building. The existing buildings on site have a combined floor area of some 1,193m<sup>2</sup>. The total floor area of the proposed new dwellings would total 2,175m<sup>2</sup>, which is approximately 82% more than the existing site.

Notwithstanding the above the northern part of the existing site, where the dwellings are proposed, is largely laid to hardstanding with an estimated 1.3 hectares being covered. Furthermore the existing site contains a large number of storage containers (the latest Google and Bing aerial photographs show around 50 storage containers) along with earth bunds, rubble and rubbish piles, open storage and several lorries and other vehicles being parked on the land. All these factors have a negative impact on the openness of the Green Belt and the purposes of including land within the Green Belt.

The proposed residential development would result in a significant reduction in the level of permanent hardstanding and would completely remove the storage containers, bunds, rubbish/rubble piles and the outdoor storage. It would also provide the opportunity to increase the soft landscaped areas on the site. As a result of this, whilst the proposal would increase the level of buildings on the site it would decrease other built development and open storage. Further to the physical harm, matters such as vehicle movements (type and number), level of activity, type of use, and any resultant nuisance (such as noise, pollution, etc.) would also be factors that determine whether the redevelopment of this site would have a greater impact on the Green Belt than the existing use. All of these factors would be reduced as a result of the proposed redevelopment.

In terms of the coverage of the site and the impact that this has on the openness and other purposes of the Green Belt it is considered that the proposal would improve the openness of the Green Belt in this particular location. Furthermore the visual benefits from the removal of the unsightly open storage and the reduction in noise, pollution and heavy vehicle movements would weigh in favour of the redevelopment of this rural site. Therefore it is considered that the proposed development would not constitute inappropriate development and complies with the relevant Green Belt guidance and policies.

### Sustainability:

The National Planning Policy Framework places great emphasis on sustainability and states that “*at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking*”. It also highlights that “*there are three dimensions to sustainable development: economic, social and environmental*”, given the following explanations on each:

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The application site is located within a very small sporadic enclave of houses and commercial sites and is not served by any local facilities. Furthermore public transport links are extremely limited. It is for this reason (along with Green Belt concerns) that the Parish Council have objected to this scheme for 23 houses, despite raising no objection to the previous scheme for just 12 houses.

Given the location of the site the proposed development would result in a reliance on private car use and would not comply with the above presumption in favour of sustainable development, particularly with regards to the ‘social role’ (due to the lack of local facilities) and the ‘environmental role’ (due to the lack of sustainable transport options). As such this weighs heavily against the development and could constitute a reason for refusal of the scheme.

### Housing considerations:

Since the application site is located within a settlement with a population of less than 3,000 and proposes the erection of more than three dwellings on previously developed land Local Plan policy H7A requires 50% of the total number of dwellings to be affordable. Furthermore the property mix for affordable housing should reflect the property mix of the proposed market housing and it would normally be preferable for affordable housing to be integrated into any larger scheme.

The application proposes to provide 48% affordable housing on the site which would consist of all two and three bed terrace houses, as opposed to the much larger detached four and five bed open market houses proposed for the remainder of the site. The affordable housing would also be somewhat segregated off from the open market housing with its own internal road (off of the main new road serving the entire site) and car parking areas.

The Council currently has in excess of 1,500 applicants on its Housing Register and, as evidenced by the National Housing Federation in their annual ‘Home Truths’ studies, the ratio of average property prices (and lower quartile property prices) to average earnings in Epping Forest District is consistently the highest in Essex – and is within the highest three local authority districts in the East of England. As such the provision of eleven affordable houses would assist in providing much-needed affordable rented and shared ownership housing. Whilst it is not considered that the

site is in a sustainable location Housing Services nonetheless consider that the location is sustainable in terms of the provision of affordable housing for sufficient numbers of applicants already on the Council's Housing Register.

The previously submitted application (EPF/0632/14) for twelve houses proposed no affordable housing and was accompanied by a viability assessment. This assessment was independently appraised and the initial comments received were that some level of affordable housing could be provided on site, although there was disagreement between the Council and the applicant as to how much. As a result of this assessment a meeting was held between the applicant, the Council (both Housing and Planning Services) and the independent viability consultants with regards to a potential way forward. As a result of these discussions it was concluded that an increase in the number of houses on the site, even when not at the level and in the form that the Council would normally support, would be acceptable on this site as a way to obtain affordable housing provision.

Whilst the Planning Application Form states that all eleven of the affordable dwellings will be provided as rented housing the layout shows that three of the affordable dwellings will be provided as shared ownership, which is what was agreed in principle at the previous meeting. On the basis that three (30%) of the affordable dwellings will be provided as shared ownership, and that eight (70%) will be provided as affordable rented housing, this would comply with the requirements of the Council's Shared Ownership Policy.

Amenity concerns:

Whilst there are a number of neighbouring properties the only immediately adjacent dwelling to the proposed development is Barnfield, which is within the ownership of the applicant. The closest proposed new dwelling would be approximately 23m from the shared boundary with the closest neighbour, with the closest point of the development (the proposed car park serving the affordable housing) being some 10m from this boundary. As such it is not considered that there would be any physical impact on neighbouring residents with regards to loss of light, outlook or privacy as a result of the new dwellings.

Although there have been no comments received from surrounding residents with regards to this revised application the previous application (EPF/0632/14) received five letters of support from neighbouring properties (Merryweathers Farm, Housemartins Lodge, Morningtons, Moonrakers and Longfield Nursery). Within these letters it is stated that:

*"Most of the neighbours of this site (from Tylers Cross to Halls Green – from Tylers Cross via Tylers Road to Reeves Lane to Halls Green – and also including a large part of Old House Lane) have suffered from dust pollution and noise nuisance for the better part of four decades or even more" (Moonrakers).*

*"For years we have been subjected to constant large lorry movements at all times of the day and night" (Merryweathers Farm).*

And, in relation to the site previously being considered lawful:

*"This left the local residents in the completely disenfranchised position of having to suffer severe noise pollution from heavy industry and the unrestricted movement of heavy lorries – sometimes at two and three o'clock in the morning – with no recourse to do anything about it" (Morningtons).*

Whilst these letters of support cannot be automatically transferred to this application, particularly since this proposal is for twenty three dwellings rather than the previous twelve, these clearly stated that:



*“Approval of this application would solve all the problems; and would be a more suitable and appropriate use of the site in a conservation area. The heavy use of large lorries with trailers; back and forth; on our unsuitable roads; would end, with the traffic from the new houses being much less” (Moonrakers).*

*“I fully support this application in its current form and strongly urge the Council to approve it not least so that they can finally give some support to the local residents affected by this site as a result of their previous maladministration” (Morningstons).*

*“We fully support this application, and the opportunity to improve the neighbourhood by the cessation of the current heavy industry uses and unrestricted lorry movements at the site” (Longfield Nursery).*

*“This can only enhance the area and the elimination of the existing commercial site will be very much welcomed as we have experienced the noise, dust and high level of traffic from the existing site for many years” (Housemartins Lodge).*

Despite not receiving any letters from neighbouring residents specifically regarding this application it is considered that the removal of the waste transfer site would have significant benefits to neighbours' amenities, as is evident by the background to the site (as follows):

In 1980 Essex County Council granted a licence for a waste transfer station on this site. The then occupants of the property opposite the site contacted the Council and stated that when they purchased the property in 1986 the application site was then mainly operating as a piggery and the waste transfer station was operating at a very low level and was hardly noticeable, however the use of the waste transfer site intensified from 1999 and residents started to experience problems in terms of noise, smell, and general disturbance. A joint complaint was signed and sent to the Council in 1999, along with signed petitions. Part of the complaint was that the residents located opposite the site are directly disturbed by noise and headlights from traffic using the waste transfer station to the degree that their sleep is sometimes disturbed.

Following a further complaint from two residents who lived near the site the Ombudsman investigated and published a report in 2006 whereby they found fault by both the County Council and the Epping Forest District Council. It was concluded that the decision to grant the licence had been made with maladministration and the Ombudsman found that this caused the two residents injustice since they both suffered from noise nuisance and reduced value of their homes. To remedy the injustice the Ombudsman recommended that the Councils explore if the waste transfer station could be relocated. Despite this being investigated the Council was unable to negotiate the relocation of the site at this time. As a result of this both the County and District Council paid compensation to the surrounding neighbours to reflect the reduced value of their homes as a result of the waste transfer site.

Although the Council were unable to arrange for the waste transfer station to relocate in 2006, in 2001 a report was put to District Development Committee recommending that the redevelopment of the site for residential purposes be agreed in principle. Within this report it was stated:

*“Within the last ten years, the operational regime at the site has given rise to complaints from neighbours, particularly in relation to noise nuisance arising from lorry movements along the internal access road and in the yard at anti-social hours (i.e. the early morning, evenings and at weekends and public holidays). Efforts were made in the 1990's in connection with proposals to reorganise, consolidate and screen the activities, to negotiate limitations on hours of operation in order to mitigate the nuisance. However, because of contractual commitments, the owner was ultimately unable to offer limitations acceptable to the Council”.*

The report concluded that “*a properly designed and suitably controlled residential redevelopment would bring more advantages than disadvantages and merits support in principle*”. Members considered that, given the noise complaints generated by the existing use of the site and its proximity to neighbouring residential properties, the redevelopment of the site and the relocation of the existing use should be investigated and decided that the residential development at Barnfields, Epping Road, Roydon on a replacement built footprint basis be supported in principle. Despite this decision no subsequent planning application came forward for the redevelopment of the site at that time.

Due to the above, whilst the provision of 23 dwellings would increase the level of buildings on site and would result in a number of vehicle movements in connection with the residential use, particularly given the unsustainable nature of the site, it is nonetheless considered that the removal of the waste transfer station and replacement with housing would have a significant positive benefit on surrounding residents due to the reduction of unrestricted large lorry movements as well as the removal of the dust and noise pollution that results from the existing site. Such benefits are given significant weight in favour of the proposed development.

#### Highways considerations:

The application has been viewed by Essex County Council Highways, who assessed the development and have found the proposal acceptable. Whilst the development would result in a significant number of private car movements to and from the site the redevelopment would reduce the number of large lorry movements in and around the site, which would be beneficial to this rural location.

The Essex County Council parking standards require the following level of off-street parking provision:

- 2 spaces for each 2+ bed property = 46 spaces
- 0.25 visitor spaces for each property (rounded up) = 6 spaces

Based on the above there would be a requirement for 52 spaces to serve the proposed new development. The application proposes 75 parking spaces on site, which is significantly higher than the requirements of the parking standards. Of this figure it is proposed to provide 27 spaces to the affordable houses, which in itself is higher than the 25 space requirement for just this area. Given the unsustainable nature of the site such an abundance of parking would be beneficial in this scheme and can be accommodated without resulting in an overdominance of cars or to the detriment of landscaping.

The proposed new access to serve the development would have adequate sight lines and visibility and would not be detrimental to the free flow of traffic on Epping Road. Consequently it is considered that the development will not be detrimental to highway safety, capacity or efficiency and will provide sufficient off-street parking provision. Furthermore the proposed residential use would remove the problems that occur from the unrestricted heavy lorry vehicle movements. Therefore, subject to conditions, the proposal would comply with the relevant transport guidance and policies.

#### Character and appearance:

The application site is located within a conservation area and contains a large unsightly warehouse building, office building, several storage containers, lorries and open storage, along with earth bunds and rubbish/rubble piles. The site at present therefore does not conserve or enhance the conservation area. Whilst the provision of 23 houses on this site would significantly impact the overall character of the area, particularly since it would almost double the number of properties within this small enclave, the wider area contains several residential enclaves of varying size. Furthermore the proposed dwellings are of a traditional design that would appear far more

visually appealing to the area than the current waste transfer site. Therefore, subject to the approval of external materials, detailing and landscaping, it is considered that the proposal would be more visually beneficial to the character of the conservation area than the existing use.

The proposed new access would result in the removal of part of the hedge adjacent to Epping Road, however this loss is not considered unduly harmful to the area. The development would not result in any loss of trees, however would provide a significant increase in landscaping and tree planting. Whilst in part this would be required purely to mitigate the development this additional landscaping would nonetheless also be considered beneficial to the overall character of the area.

#### Other Concerns:

##### *Loss of employment:*

Whilst the proposed development would result in the loss of this commercial site the business currently has existing sites in Hitchin and Colchester. The Colchester site is currently being expanded and would likely be further extended if the application site closes since the bulk of the business running from Barnfield would be relocated to Colchester (with some lorries being stored on the Hitchin site). Therefore, whilst there may be a loss of some local employment as a result of this redevelopment the business would remain (and it is estimated that the majority of employees would simply be redeployed) and in the long term the amalgamation of the two sites would likely result in a bigger and more viable business operation.

Irrespective of the above, any harm resulting from the loss of this commercial site would be outweighed by the benefits to the amenities of the neighbours and the overall character and appearance of the area.

##### *Ecology:*

The application has been assessed by the Council's ecological advisor, who has raised no objection to the proposal.

##### *Flooding:*

The application site is not located within an Environment Agency Flood Zone 2 or 3 however is greater than 1 hectare in size and as such requires a flood risk assessment. Although such flood risk assessments would normally be submitted and agreed prior to approval of a development it is considered that, in this instance (due to the location of the site and the level of open surrounding land within the red lined area), flood mitigation measures would be easily achievable on the site and therefore this matter can be suitably dealt with by way of a condition.

No details have been submitted with regards to the disposal of surface water and the geology of the area is predominantly clay and infiltration drainage may not be suitable. Therefore details of surface water drainage should be submitted and approved prior to the commencement of development.

##### *Contamination:*

Due to the previous uses of the site for agricultural purposes and as a waste transfer station, along with the presence of made ground, there is the potential for contaminants to be present on the site. Since domestic dwellings with gardens are classified as particularly vulnerable use, contaminated land investigations will be required, however can be dealt with by way of conditions.

### *Education:*

Essex County Council Educational Services have assessed the application in relation to the surrounding area. This development falls in the priority admissions area of Roydon Primary School, which has permanent capacity to take 150 pupils. According to the latest forecasts that are published in the document *Commissioning School Places in Essex 2013-18*, 199 places will be required by September 2017. It is therefore clear that additional provision will be needed at primary level and that this development will add to the need.

Pupils attending Roydon Primary School are given priority in the admission arrangements for Burnt Mill Academy since it is identified as a link feeder primary school. Burnt Mill Academy has capacity for 1,200 pupils and according to the forecasts there is likely to be 1,214 pupils at the school by September 2017. This school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school, resulting in a long term cost to the County Council. The cost is estimated to be £3.90 per pupil per day for 195 days per year (a standard academic year). It is the practice of Essex County Council to seek costs for a 5 year period.

In view of the above a financial contribution of £167,942 is required to mitigate the impact of the development on education costs. This is calculated on the basis of 23 houses with two or more bedrooms that, in this location, would require a primary school contribution sum of £74,748, a secondary school contribution sum of £75,702 and a £17,492 contribution towards secondary school transport costs.

### **Conclusion**

The application site is located within the Metropolitan Green Belt however the introduction of the National Planning Policy Framework and subsequent exceptions to inappropriate development enable the principle of redeveloping previously developed land such as this. Whilst the proposal would increase the overall level of buildings on the site it would decrease the level of hardstanding and outdoor storage, which currently has a negative impact on the openness of the Green Belt. There would also be other benefits from the development, such as the reduction in the level of heavy lorries accessing the site and the increase in landscaping. Therefore, on balance, it is considered that the proposed redevelopment would not result in any greater harm to the openness of the Green Belt in this location and therefore would not constitute inappropriate development.

Notwithstanding the above, the application site is not well served by local facilities or sustainable modes of transport and therefore fails to comply with this aspect of the National Planning Policy Framework and the relevant Local Plan policies. The redevelopment of the site would also result in the loss of commercial land, although the business currently on site would simply relocate and amalgamate with its existing sites in Hitchin and Colchester.

It was previously concluded by the Ombudsman that the existing operations at the site had illegal origins however they (and the Council) were powerless to restrict the use of the site and, since the decision to grant the licence had been made with maladministration, both Essex County Council and Epping Forest District Council had to previously pay compensation to nearby residents. It was recommended by the Ombudsman that the Councils explore if the waste transfer station could be relocated, however this was never achieved at this time. As a result of this decision the neighbouring residents have suffered from a loss of amenities as a result of noise, dust, pollution, and unrestricted heavy vehicle traffic for several years from this lawful waste transfer station. The redevelopment of the site to 23 residential dwellings would result in the removal of the nuisance site and would have significant benefits to the amenities of the surrounding residents and the wider area. It is considered that these benefits clearly outweigh any harm that would result from an unsustainable development on this site.

The level of affordable housing would broadly comply with the Council's requirements and would assist in EFDC meeting its housing targets, and the proposal would provide greater than recommended levels of private amenity space and off-street parking provision. The development would not be harmful to highway safety or the free flow of traffic using Epping Road and would provide additional landscaping and flood mitigation measures. Therefore it is considered that, on the balance of issues, the proposed development would generally comply with the guidance within the National Planning Policy Framework and relevant Local Plan policies and as such is recommended for approval, subject to conditions.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

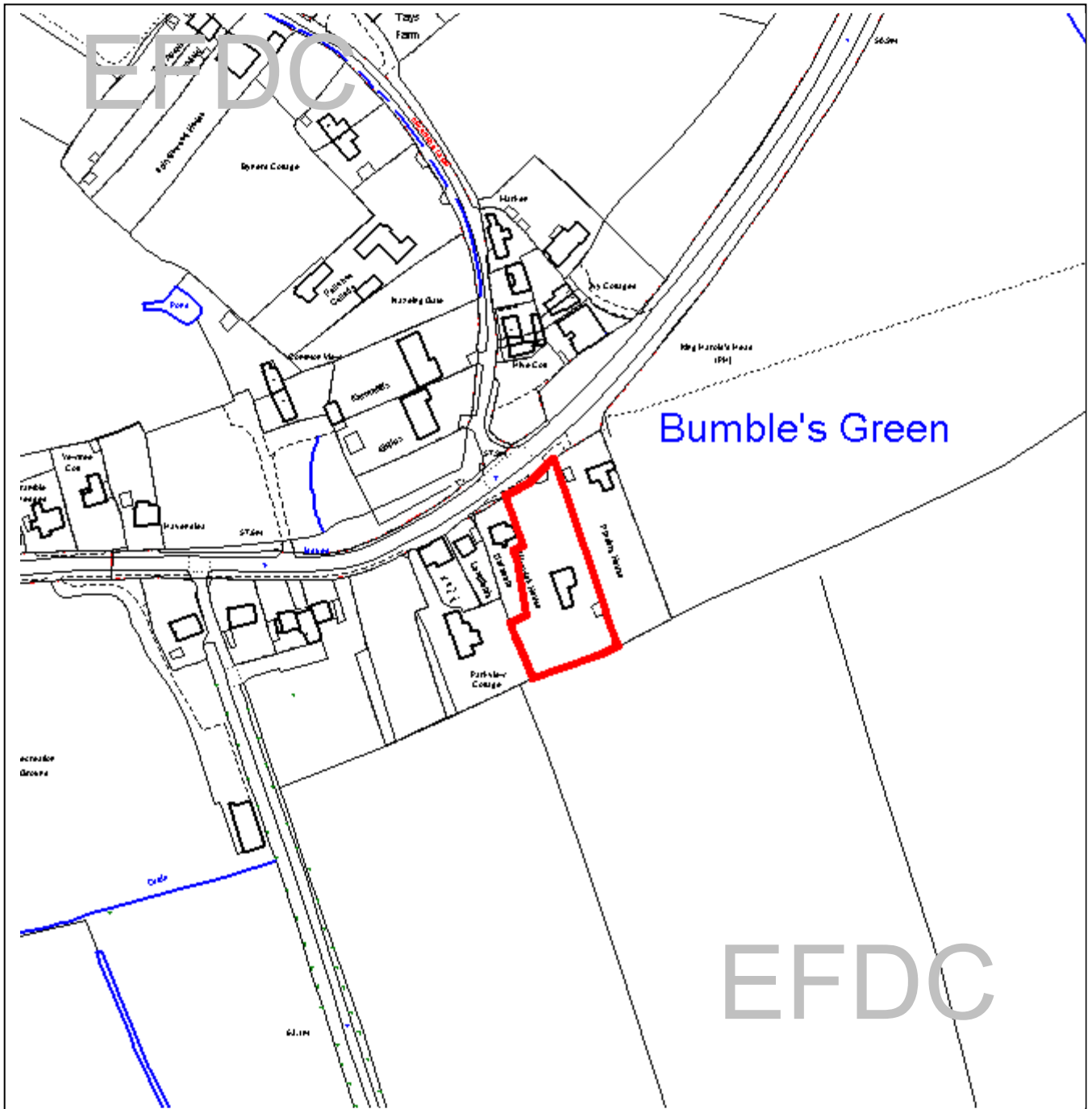
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## AGENDA ITEM NUMBER 5



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Application Number:	EPF/2690/14
Site Name:	Warwick House, Bumbles Green Nazeing, Waltham Abbey EN9 2SD
Scale of Plot:	1/2500

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2690/14
<b>SITE ADDRESS:</b>	Warwick House Bumbles Green Nazeing Waltham Abbey Essex EN9 2SD
<b>PARISH:</b>	Nazeing
<b>WARD:</b>	Broadley Common, Epping Upland and Nazeing
<b>APPLICANT:</b>	Mr T Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of new detached dwelling
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=571031](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=571031)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 11390-S001-A and 11390-P010A
- 3 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 10 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.



- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site is located on the southern side of Nazeing Common virtually opposite the public house known as 'King Harold's Head' within the settlement of Bumbles Green. The site itself is relatively level, irregular in shape and is just over half an acre in size.

Setback approximately 45m from the highway towards the rear of the site is a double storey detached building that is used as a private residence. The building is Georgian in style that is externally finished from facing brickwork and slate roof tiles and it is classified as a locally listed building. A detached outbuilding recently approved to be used as an annexe is located to the rear of the dwelling. A vehicle crossover along Nazeing Common provides access to the site with off street parking located towards the front of the dwelling on the hard paved area. A large private garden area surrounds the dwelling house along with mature vegetation and hedging.

The site is situated within a small enclave of detached residential buildings that vary in size and style. Open fields used for agriculture are located to the rear of the site. The site and the surrounding area are located within the Metropolitan Green Belt and the South Roydon and Nazeing conservation area.

### **Description of Proposal:**

Planning permission is sought for the construction of a new dwelling in the same location as a previously approved dwelling however the link between the properties has been removed, a small external terrace is proposed at basement level beneath the proposed living room and the steel staircase area down to the basement on the western side of the property has been enlarged to accommodate a lightwell.

The dwelling would be single storey although it would comprise of living accommodation within its roof space and a basement. It would measure 8.9m wide by a depth of 18m and would have a hipped roof form with a maximum height of 6.5 to its ridge. The dwelling would be externally finished from horizontal timber boarding and clay roof tiles.

The dwelling would be sited just behind the front façade of the existing dwelling, 6.1m from the northern boundary shared with adjoining property known as Dovecote and 6.3m from the western side boundary.

The new dwelling would share the existing vehicle access off the road, however a new set of gates would be required and four off street parking bays would be provided just inside the front boundary on a new hard paved surface area. This is the same as the approved scheme.

**Relevant History:**

EPF/0408/02 - Two storey rear extension and detached double garage (refused)

EPF/2438/02 - New conference/meeting room and new entrance and canopy (refused)

EPF/2296/04 - Erection of pitched roof over existing ground floor level flat roof at side of property (approved)

EPF/1117/07 - Replacement of existing extension and conservatory with new single storey rear extension, single storey outbuilding for swimming pool and linking basement (refused and dismissed at appeal)

EPF/1114/07 - Conservation area consent for the demolition of an existing single storey extension and conservatory (approved)

EPF/0638/08 - Single storey rear extension with basement under (approved)

EPF/1188/14 - Erection of new dwelling with link to original house – (approved)

EPF/2723/14 – Conversion of existing detached garage/office into a 1 bedroom residential annexe - Approved

**Policies Applied:**

Local Plan policies relevant to this application are:

- CP1 Achieving sustainable development objectives
- CP2 Protecting the quality of the rural and built environment
- CP3 New development
- CP5 Sustainable Buildings
- H1A Housing provision
- DBE1 Design of new buildings
- DBE2 Detrimental effect on existing surrounding properties
- DBE4 Development within the Green Belt
- DBE6 Car parking in new development
- DBE8 Private amenity space
- DBE9 Loss of Amenity
- GB2A Development within the Green Belt
- GB7A Conspicuous Development
- LL1 Rural Landscapes
- LL2 Inappropriate rural development
- LL10 Protecting existing landscaping features
- LL11 Landscaping scheme
- ST1 Location of development
- ST2 Accessibility of development
- ST4 Highway safety
- ST6 Vehicle parking
- HC6 Character, appearance and setting of conservation areas
- HC7 Development within conservation areas
- HC13A – Local List of buildings

NC4 Protection of established habitat  
RP4 Contaminated land  
U3B Sustainable drainage systems

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Summary of Representations:**

#### NAZEING PARISH COUNCIL:

Objection - due to overdevelopment of the site, diminished garden and access onto a busy road. Nazeing Parish Council (NPC) are not enthused by the application, it is a prestigious property and by adding another building, it diminishes the main dwelling. NPC would also like to query the status of the previous application EPF/1188/14 (which has been approved) – will this application be withdrawn

#### NEIGHBOURS:

Five adjoining neighbours notified by mail and a site noticed displayed. Two representations have been received from the following properties:

#### THE OLD POST OFFICE, BUMBLES GREEN – Object

- Out of keeping with the green belt and conservation area
- Overdevelopment – others sleeping in garage and summer house
- This development will alter the street scene obscuring a fine old historic house with another new build.

#### LONGFIELDS, BUMBLES GREEN – Object

- This development is totally against the natural balance of the environment and existing community.
- Overdevelopment with loft space of garage being used as a self contained flat
- The restricted view of Warwick House, a prominent, historic and pleasant building within the village, will be obscured by yet another "new build".

### **Internal**

CONSERVATION – No objection: Warwick House is a locally listed building located within the Nazeing and South Roydon Conservation Area.

The application differs little from the previous application for an attached annex to Warwick House. The impact on the setting and appearance of the locally listed building is lessened in this application through the removal of the glazed link – this has improved the scheme as Warwick House will retain its character as a large detached dwelling rather than being attached to a visually distinct building. Nor will proposal have a detrimental impact on the character or appearance of this part of the conservation area.

If the application is approved, conditions should require further details of external materials, windows and doors, and the boundary treatment between Warwick House and the new dwelling.

LANDSCAPING AND TREES – No objection subject to the addition of conditions relating to Tree Protection and hard and soft landscaping.

LAND DRAINAGE – No objection subject to adding conditions relating to a flood risk assessment and foul and surface run off

LAND CONTAMINATION – No objection subject to a land contamination condition

**Issues and Considerations:**

The main issues to be addressed are:

- Green Belt
- Design and Layout
- Living Conditions of neighbouring occupiers
- Third party representations
- Other Issues

**Green Belt**

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment.

The Framework defines inappropriate development as being harmful to the Green Belt and further defines exceptions which would not be inappropriate development. Consequently, if the scheme does not comply with the list of exceptions, the scheme would be inappropriate development in which paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The Framework explains that the construction of new buildings such as a new dwelling is inappropriate development within the Green Belt. Policy GB2A of the Epping Forest Adopted Local Plan is broadly in accordance with these objectives.

Paragraph 89 of the Framework explains what constitutes as exceptions in relation to the above. Particularly, it states that limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the green belt and the purposes of including land within it than the existing development.

The site is not previously developed land, as private residential gardens are excluded from government definition of previously developed land. The principle of the development is therefore dependent on whether it constitutes limited infilling within a village.

The site is surrounded on three of the four sides by existing development with only the rear boundary being open to large exposed fields used for agriculture. The site also appears to be within the village envelope of the boundaries of Bumbles Green. This indicates to officers that the proposal may reasonably be regarded as infilling. It follows that the proposed development would not constitute inappropriate development in the Green Belt in accordance with the National Planning Policy Framework.

In other respects, the site is large enough to accommodate the proposed dwelling in a manner that would be consistent with the spatial characteristics of the surrounding locality whilst the design would be appropriate to the traditional form and character of existing development. The built form of the development at single storey level above ground is such that it would not represent an

obvious encroachment into the countryside. It is considered that there would be no significant harm either to the open character of the green belt nor would it conflict with the purposes of including land within it.

Therefore the proposal is considered to comply with policy GB2A of the adopted Local Plan (1998) and Alterations (2006) and paragraph 89 of the NPPF.

*Design and layout:*

Warwick House is a 19<sup>th</sup> century building of local architectural interest and, as such, has been designated as a locally listed building. This site is also within the Nazeing and South Roydon conservation area.

Paragraph 58 of The Framework states that development proposals should respond to local character, reflect the identity of their surroundings, and optimise the potential of sites to accommodate development. Local policies DBE1 and CP2 are broadly in accordance with the above, requiring that a new development should be satisfactorily located and is of a high standard in terms of its design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

The proposal would be in accordance with Local and National policy in that it would achieve a sustainable form of development. In particular, it would make the most efficient use of available land by virtue of its location and optimise the garden area to the side of the existing dwelling. Although garden land does not fall within the definition of previously developed land, the Framework does not preclude its development provided that the character and appearance is respected.

Although there is nothing particularly architecturally outstanding regarding the appearance of the development, the building has been traditionally designed to complement the surrounding locality incorporating local features and materials to complement the existing street scene. The size and proportions are appropriate and the juxtaposition of the front façade provides articulation and visual interest.

There are no objections in principle to the erection of a new dwelling from the Council's Conservation Officer who considers that the impact on the setting and appearance of the locally listed building is lessened in this application through the removal of the glazed link which was part of the previous approval.

This has improved the scheme as Warwick House will retain its character as a large detached dwelling rather than being attached to a visually distinct building.

The overall height of the proposed building and its slightly lower position within the site helps to make it subservient to the main house.

Although the proposed building impedes to some degree on the setting of the house, it will not cause undue harm to its overall appearance or character. Also, in terms of the conservation area, the proposed building will be viewed as part of a cluster of other buildings and will not appear incongruous within the area given its traditional form.

The proposal would not result in detrimental harm to the character and appearance of the street scene and the surrounding locality and conservation area.

In terms of internal layout, the habitable rooms would benefit from adequate light and a sufficient level of outlook. Bedrooms 2 and 3 in the roofspace are only served by rooflights. Whilst this is not

ideal, given that these are not the main bedroom in the dwelling and that in normal circumstances loft spaces can be converted to bedrooms solely served by rooflights it is not considered a strong enough reason to refuse the application.

It is asserted by two neighbouring occupiers that the garage has been used as a flat and someone has been sleeping in the summer house and this proposal would overdevelop the site. The fact remains that there is a previous permission on the site and this application would not materially intensify the use of the site than that permission. Furthermore it is not unusual for outbuildings to be used by family members as annexes.

Whilst an application was approved on the 15<sup>th</sup> January 2015 for a change of the garage into a residential annexe (EPF/2723/14) the Local Planning Authority has no evidence that the garage and summer house are being used independently of the main dwelling that would be classed as separate planning units. If they are then planning permission would be required.

It is not considered that the whole site would appear overdeveloped if it accommodated two dwellings and an annexe as the garage building is already in situ and its use as an annexe would not materially intensify activity on the wider site.

The proposal would comply with policies CP2, DBE1, HC6 and HC7 and HC13A of the adopted Local Plan (1998) and Alterations (2006) and paragraph 58 of the NPPF.

#### Living conditions of neighbouring occupiers

Due consideration in relation to the potential harm the development might cause to the amenities enjoyed by adjoining property occupiers have been taken into account.

Given the single storey form of the proposal and the relative position, orientation and the position of the proposal in relation to adjoining properties, it is considered that there would be no excessive harm to the living conditions of adjoining property occupiers in relation to loss of light, loss of privacy and visual blight.

The separation distance to adjoining dwellings along with screening on the boundaries would limit the potential to overlook into adjoining properties.

The proposal would comply with policy DBE9 of the adopted Local Plan (1998) and Alterations (2006)

#### Third party representations

The material planning considerations raised by the Parish Council and neighbours have been addressed in the body of the report above.

The Parish Council has questioned whether the previous permission under EPF/1188/14 will be withdrawn. Officers consider there is no need to seek to revoke the previous approval. Given that the proposed dwelling here would be sited on the same area as the previous dwelling it is not possible to build more than one dwelling and the previous application is considered acceptable in its own right.

Other comments were raised by the objectors relating to subsidence, construction issues relating to pollution and highway safety and the fact that the development is for profit. None of these issues are planning considerations material to this application and cannot be considered here.

#### Other issues

The proposal would be in accordance with the Adopted Parking Standards in that it has provided more than enough off street parking to meet the needs of future residents.

It is noted that the new dwelling house would share the existing vehicle access onto Nazeing Common. It was considered under the previous approval, EPF/1188/14, that the proposal would not result in a significant intensification of vehicle traffic entering and exiting the site that would lead to a material level of harm upon highway safety. The use of the site for one additional dwelling remains the same as previously approved so there are no objections to this element of the proposal.

The application was referred to the Council's Landscape Officer who stated that all the trees on the site are protected as the site is covered by a conservation area. The officer had no objections to the proposal subject to conditions requiring tree protection measures and further details regarding hard and soft landscaping.

**Conclusion:**

The proposal is appropriate in terms of its design and appearance and it would not result in excessive harm to the openness of the green belt or to the amenities enjoyed by adjoining property occupiers. The proposal is in accordance with the policies contained within the Adopted Local Plan and the National Planning Policy Framework. It is therefore recommended by officers that planning permission be granted subject to conditions.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564 337***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***